

***“AN INVESTIGATION INTO THE SPECIALIZED SKILLS AND KNOWLEDGE  
REQUIRED FOR FORENSIC SOCIAL WORK PRACTICE IN SOUTH AFRICA”***

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A [minor] dissertation submitted in [partial] fulfilment of the award of the degree of Master  
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## **CLARIFICATION OF CONCEPTS**

Terms are defined in contexts that are operationalized in this study.

- Social Work- refers to a profession concerned with helping individuals, families, groups and communities to enhance their individual and collective well-being. Social work is concerned with individual and personal problems but also with broader social issues such as poverty, unemployment and domestic violence (Canadian Association of Social Workers, 2013).
- Social Worker- refers to the duly registered person authorised in terms of the Social Service Professions Act 110 of 1978 to practice the profession of social work. Social workers need to have qualified and be in possession of a BSW (Bachelor of Social Work Degree) (SACSSP, 2009).
- Forensic Social Work- refers to the application of social work to questions and issues relating to law and legal systems. It is social work practice which is related to legal issues and litigation, both criminal and civil (Baker and Branson, 2000). Child custody issues, involving separation, divorce, neglect, termination of parental rights, the implications of child and spouse abuse, juvenile and adult justice services, corrections, and mandated treatment all fall under this definition (National Organization of Forensic Social Work, 1997).
- Forensic Social Worker- refers to the duly registered person authorised in terms of the Social Service Professions Act 110 of 1978 to practice the profession of forensic social work. Forensic social workers' need to have qualified in either a BSW (Bachelor of Social Work) Degree or a MSW (Masters of Social Work) Degree in Probation and Correctional Practice(SACSSP, 2009).
- Specialized skills and knowledge- refers to a set of skills and particular knowledge that are required to be able to practice forensic social work competently in South Africa.

## **ABSTRACT**

In era of prevalent crime and social problems in South Africa, the National Department of Social Development; the South African Council of Social Service Professions and tertiary institutions are rethinking strategies to respond to these issues. A central strategy behind this is the development of forensic social work practice as a specialist service in order to assist the criminal justice system to deal effectively with offenders and protect victims. The aim of this study was to investigate the specialized skills and knowledge required for forensic social work practice in South Africa. Literature acknowledges that forensic social work is still a developing field of practice in South Africa hence forensic social work practitioners require effective training to competently practice forensic social work. The research design adopted by the study is a combination research design comprising of both quantitative and qualitative approaches. The research empirical data was obtained through the use of questionnaires from a survey conducted in Gauteng Province, South Africa at a forensic social work training workshop in 2013.

The study indicated that forensic social work practitioners are familiar with some of the specialized skills such as language used in court, writing skills, communication and engagement skills and professionalism. The study also indicated that forensic social work practitioners are also familiar with some of the knowledge such as the definition of forensic social work, legal aspects, criminal justice system, courtroom procedures and knowledge required to act as an expert witness in court for forensic social work practice. However, despite this, forensic social work practitioners had inadequate training in the specialized skills and knowledge required to competently practice forensic social work in South Africa. In addition, the study showed that there are many challenges faced by forensic social work practitioners. Challenges include lack of resources, undermining of forensic social work practitioners by other professionals, adoption of international standards, registration, role specification and lack of collaboration with other professionals.

The author recommended that forensic social work practitioners in South Africa require further training in legislation, policies and the specialized skills and knowledge relevant for forensic social work practice and finding solutions to overcome the challenges faced. Further research should be conducted in other provinces in South Africa for forensic social work.



## **Chapter 1: INTRODUCTION TO THE STUDY**

This research report is based on a study which investigated forensic social work practice in South Africa and is presented in five chapters. Chapter one is the introduction and orientation to the study. This chapter will present the contextual background to the study; the rationale for conducting the study; the motivation for conducting the study; the significance of the study; the overall aim of the study; the specific research objectives; the key ethical considerations and the limitations and challenges of the study. Chapter two presents the literature review. Chapter three discusses the research design and methodology of the study. Chapter four discusses the findings of the study. Chapter five discusses the main conclusions and recommendations of the study.

### **1.1 Contextual background to the study**

Forensic social work is an old discipline which emerged in the United States and the United Kingdom in late 19<sup>th</sup> century (Maschi, Bradely & Ward, 2009). It included advocating for perpetrators convicted of crime; standing up for victims, serving youth in juvenile justice settings, acting as expert witnesses in court on behalf of both litigants and defendants, working in collaboration with law enforcement officials and policy and legislative development to improve social justice (Maschi, Bradely & Ward, 2009). However, in South Africa, forensic social work is at its beginner stage and has been adopted from the United States and United Kingdom (Patterson, 2012). Formal training in forensic social work never existed in the past but has become available recently in South Africa due to low conviction rates and because legal authorities need expert opinion from social scientists such as the forensic social workers in South Africa (Patterson, 2012).

Performance of forensic services by those in the social work profession has not shared the same status as other professions such as forensic psychiatry, forensic psychology or forensic ontology (Patterson, 2012). This may have been caused by a limited number of social workers practicing forensic social work in South Africa due to the underdevelopment of the practice, which is progressing slowly (Patterson, 2012). Forensic social work requires highly specialized skills and knowledge relevant to court settings. It requires training and experience beyond that which is provided in most social work educational programs. Currently, in South Africa the development of forensic social work as a specialist service is being considered as the professionalization of forensic social work is in process (SACSSP, 2008). The author has

noted that in South Africa, few, if any educational programs and educational institutions provide opportunities for social workers who practice forensic social work and social work students to receive training and education in both social work and law.

### **1.2 Rationale for conducting the study**

Forensic social work is an emerging field amongst social service professions in South Africa. It is a unique and specialized area but has not been fully recognised by the South African Council for Social Service Professions which will be now referred to as SACSSP from hereon (Ludwig, 2007). The role of SACSSP would be to register forensic social workers as licensed professionals to practice forensic social work in South Africa. Social workers who practice forensic social work cannot be given the title of “forensic social worker” in South Africa. This is because they are not registered by SACSSP as such and do not have the adequate experience, skills and knowledge (Ludwig, 2007). It would seem to the author that there is a growing need to utilize experts in South African courts, however, social workers are not equipped and lack training in forensic social work. Social workers in the private sector have recognized this margin and equipped themselves to render forensic social work services to courts. According to Ludwig (2007), this has resulted in a margin between social workers in the private sector who have more experience, skills and knowledge and those from the state who still need to be trained in the practice of forensic social work. The South African Police Service (SAPS) is the major employer for forensic social worker’s as it aims to assist Child Protection Units (Ludwig, 2007).

### **1.3 Motivation for conducting the study**

The motivation behind the study is that the author has done studies for an honours degree in criminal justice and an honours degree in probation and correctional practice at the University of Cape Town. The author is fascinated by law and social work and forensic social work is a combination of both, so he has every reason for claiming an interest in this topic. The research is worth doing because South Africa needs to develop a discipline in forensic social work.

### **1.4 Significance of the study**

This study is very important because the research findings will assist members who practice forensic social work, the government and other stakeholders to identify the challenges faced

by social workers who practice forensic social work in South Africa. This will enable South African tertiary institutions and statutory bodies to develop a curriculum and guidelines to facilitate competency in forensic social work practice in South Africa.

### **1.5 Overall aim of the study**

The overall aim of this study was to investigate the specialized skills and knowledge required for forensic social work practice in South Africa.

#### **1.5.1 Specific research objectives**

To survey eighteen social workers who practice forensic social work in South Africa so as to determine the following:

- What pieces of legislation forensic social work practitioners need to be acquainted with to be able to practice forensic social work competently in South Africa?
- What policies do forensic social work practitioners need to be familiar with to be able to practice forensic social work competently in South Africa?
- What knowledge forensic social work practitioners need to be familiar with to be able to competently practice forensic social work in South Africa?
- What specialised skills are necessary for forensic social work practitioners to be able to competently practice forensic social work in South Africa?
- What challenges do forensic social work practitioners experience when practicing forensic social work in South Africa?
- What recommendations forensic social work practitioners propose for advancing the field of forensic social work practice in South Africa?

### **1.6 Key ethical considerations**

Ethics are a set of principles about how researchers should conduct themselves when dealing with research participants. In this research it was important to conduct research in line with ethical considerations in order to respect and to cause no harm to participants. Failing to conduct research ethically could result in the author being dismissed by the research community (Resnik, 2011). Most importantly, research involving human beings must be passed by the University Ethics Committee whose job it is to confirm that the research conforms to a set of ethical guidelines (Resnik, 2011). The key ethics that were considered

for this study are *informed consent; voluntary participation; confidentiality; anonymity and privacy*.

### ***1.6.1 Informed consent***

According to Aurelius (2007) informed consent refers to an education and information exchange on the purpose of a study that takes place between the researcher (in this case the author) and the participant. To ensure that informed consent was negotiated with prospective participants. The prospective participants were well informed by a lecturer from the University of Cape Town about the purpose of the study. The lecturer was running a forensic social work training workshop in Gauteng Province, South Africa. Consent forms were issued out to participants in order for them to sign if they volunteered to participate in the study. A participant consent form is attached as Annexure 1 on page 80. This was done in order for participants to make an informed decision on whether they wanted to participate in the study or not. Complete information on the nature of research was given to prospective respondents (Aurelius, 2007).

### ***1.6.2 Voluntary Participation***

According to the National Institute of Health (2013), voluntary participation is an ethical consideration whereby participants have a choice of deciding whether to participate in the study or not. Voluntary participation which is closely linked to informed consent was applied and ensured by the author through the consent form which informed participants that participation was voluntary and not compulsory. Failure to participate in the study or withdrawal of consent did not result in any penalty to participants (National Institute of Health, 2013). The consent forms issued out at the workshop were distributed to prospective participants and the prospective participants were not coerced into signing them.

### ***1.6.3 Confidentiality***

Confidentiality refers to a process of protecting a participants' privacy by treating information given by a participant in a relationship of trust (Jaminson, 2007). To ensure that confidentiality was maintained, the author ensured that participants' identities were removed from records and were held in confidence after receiving the completed questionnaires from the training workshop. As the author had the responsibility to ensure that each participant was confident that any information provided to the author would not be attributed back to the

participant, participants identities were removed and each participant in the report was given a number, for example, participant 1 (Jaminson, 2007).

#### ***1.6.4 Anonymity***

Anonymity refers to removing the identities of participants from records and is closely related to confidentiality (Maree and Pietersen, 2007). To ensure anonymity, names and addresses of participants' were not used in the research. Removing names and addresses of participants' ensured that participants remained anonymous (Jaminson, 2007).

#### ***1.6.5 Privacy***

According to Jesus (2009) privacy refers to the research participants' direct disclosure to the author. To ensure that privacy was applied during the survey, participants filled in the questionnaires individually and separately. The author was the only one who had access to the participant, his/her attitudes, beliefs, opinions and behaviour and the information presented on the questionnaire. Privacy was guaranteed so as to safeguard participant's autonomy (Jesus, 2009). This ensured that participants were respected and were able to disclose information confidently and freely (Jesus, 2009).

### **1.7 Limitations and challenges of the study.**

The limitations and challenges that were encountered in this study were related to the data collection strategy; sample size and literature review.

- **Data collection strategy**

A survey was used as the data collection method in this study. However, the most appropriate data collection strategy which was supposed to be used for the research was in-depth face to face interviews which are generally qualitative because in-depth interviews create excellent opportunities to meet the participants, create rapport and provide rich data (Guion, 2011). Personal interviews create situations which allow the author to ask open ended questions. Surveys tend to be more quantitative and are conducted with large numbers of people. Forensic social work practice is fragmented in Cape Town which made it difficult to get participants. However, the author used a survey for the research because this was the only option as the situation was presented to him because of the availability of the training workshop in Gauteng Province.

- **Sample size**

The sample size was relatively small as only 18 individuals participated in the survey and limited research data. It needs to be noted that even though out of the 30 participants at the forensic social work training workshop held in Gauteng, only 18 participants signed the consent form and volunteered to participate in the study, enough research data was given in order to formulate trends and patterns in the research focus area.

- **Literature review**

Due to the fact that forensic social work is still developing and is relatively a new field in South Africa, the literature that was reviewed for this study was mainly from abroad. However, the author made use of as much literature from South Africa as possible such as literature from Geraldine Jonkers (2012) and Elmein Truter (2010) from North West University, South Africa who have conducted research in forensic social work practice in South Africa as well. The next chapter that follows is the literature review.

## **Chapter 2: LITERATURE REVIEW**

### **2 Introduction**

This chapter presents the following topics in relation to forensic social work practice in South Africa: Legal frameworks and policies; theories on conceptualizing forensic social work; specialized skills and knowledge required; victimology; demand for forensic social work; functions of forensic social workers and challenges faced by social workers practicing forensic social work.

#### **2.1 Legal frameworks and policies of forensic social work**

Legal frameworks and policies have been established to assist in the development and practice of forensic social work in South Africa. These are discussed below.

##### **2.1.1 Legislation for forensic social work**

Social workers who practice forensic social work and intend to register as forensic social workers should be familiar with legislation. According to Barsky (2011), knowledge on legislation provides forensic social workers with a practical understanding of their clients' rights and responsibilities in a broad range of social relationships. Familiarity with legislation improves the social workers practicing forensic social work knowledge on how to apply and implement the principles of the Constitution of the Republic of South Africa Act 108 of 1996 to forensic social work effectively and correctly through advancing human rights (Maschi and Killian, 2011). The South African Council of Social Services Professionals' (SACSSP) considers the Constitution of the Republic of South Africa Act 108 of 1996 and Social Services Professions Act 110 of 1978 as legislative mandates (SACSSP, 2009). The Criminal Procedure Act 51 of 1977; the Law of Evidence and Amendment Act 45 of 1998; Domestic Violence Act 116 of 1998; Sexual Offences and Related Matters Act 32 of 2007; Child Justice Act 75 of 2008 and the Children's Act 38 of 2005 are also legal frameworks for forensic social work practice in South Africa.

##### **Constitution of the Republic of South Africa Act 108 of 1996**

The Constitution of the Republic of South Africa Act 108 of 1996 which from hereon will be referred to as the Constitution is an instrument which identifies the values of social work. In Chapter 2 of the Constitution, the Bill of Rights enshrines the rights of citizens must be upheld by all. It deals with human rights issues relating to offenders as well as victims of crime (Kgosimore, 2000). The Bill of Rights entrenches the fundamental rights of every

South African and in this sense embodies the legal values of dignity, equality and freedom (Branson, 1994).

It would seem to the author that issues of human rights; domestic violence; criminal procedures; court procedures, sexual and child abuse all fall under the Constitution. Forensic social workers must be familiar with the Constitution because they come into contact with social problems which are related to the above mentioned issues (McNicoll, 2013). Forensic social workers must therefore be conscious of the Constitution to be effective in their practice in South Africa. Forensic social workers engage with perpetrators of murder, attempted murder, rape, sexual abuse and offenders with mental health issues. Therefore, according to the Constitution it is not the forensic social workers job to judge offenders as well as victims but to serve, protect, guide and advise them (McNicoll, 2013). It would seem to the author that the Constitution is relevant to forensic social workers because forensic social workers are there to ensure that the human rights of their clients are not violated but upheld.

### **Social Services Act 110 of 1978**

Section 27(1)(a) of the Social Services Act 110 of 1978 provides that the social work profession should enact the code of ethics as the standards of professional conduct are required in daily professional activities. This code of ethics regulates professional practice as established by the SACSSP (Social Services Professions Act, 1978). The code of ethics ensures that client systems receive professional service and the profession has an obligation to articulate its values and ethical principles (Social Services Professions Act, 1978). Social workers practicing forensic social work should be familiar with the Social Services Act 110 of 1978 with specific knowledge of section (27). Section (27) stipulates that the social work profession should enact the code of ethics as the standards of professional conduct required in daily professional activities (Social Services Professions Act, 1978). This knowledge will guide and regulate forensic social workers when they are carrying out their daily duties (SACSSP, 2009). Therefore, the Social Services Act 110 of 1978 is relevant for forensic social workers because they need to identify important ethics such as putting the needs of clients first and addressing the needs of children, persons with disabilities, older persons, families and youth when carrying out forensic social work duties (Allsopp & Mahery, 2010). The Social Services Professional Bill of 2007 has discussed implementing forensic social work as an area of specialization in South Africa. However, the issue of developing forensic



social work practice in South Africa is still on hold (Dutton, 2012). Once and if regulations for forensic social work are drafted and compiled by experts, social workers practicing forensic social work may be registered as forensic social workers according to the regulations drafted and compiled (SACSSP, 2009).

### **The Criminal Procedure Act 51 of 1977**

The Criminal Procedure Act 51 of 1977 which will be referred to as CPA from hereon was established to make provision for procedures and related matters in criminal proceedings. The CPA consists of a set of rules and procedures that the state sets down to regulate human behaviour. Criminal law allows the state to punish deviant people who break the law. The CPA also looks at the rights of offenders and victims. Any person charged with a crime has a right to fair trial and the person remains innocent until proven guilty (Burchell, 2006). In South Africa, the CPA should be included in forensic social work for this practice to develop. It would seem to the author that forensic social workers need to be aware of rules set by the state to regulate human behaviour in order to investigate issues of, for example, sexual abuse and domestic violence and to provide accurate pre-sentence reports as expert witnesses in court. Therefore, the CPA is relevant to forensic social workers because forensic social workers must follow the rules of court.

### **The Law of Evidence and Amendment Act 45 of 1988**

The Law of Evidence and Amendment Act 45 of 1988 which will be referred to as LEAA from hereon forms part of the procedural law of South Africa in obtaining evidence for a case. All types of legal procedures look to the law of evidence to govern which facts they may receive to use in civil and criminal trials (Beach, 2013). The use of evidence is to gather data which will be used to prove or disprove matters arising out of dispute based on facts. The evidence must be relevant and reliable to be admissible in court (Jaqui, 2011). The general types of evidence are oral or witness evidence which relies on oral testimony to an event or fact. Real evidence consists of items which are examined by the court as a means of proof of a crime or dispute. Finally, expert evidence is evidence given by an expert, such as a forensic social worker on a subject, for example, child abuse (Jaqui, 2011). The expert witness should be informed and qualified to give an opinion than a mediator as the expert witness has to prove facts based on the evidence gathered (Jaqui, 2011). LEAA is essential in

forensic social work practice because evidence of a crime must be accurate when it is presented in court, to magistrates or judges by forensic social workers (Beach, 2013). It would seem to the author that the LEAA is relevant to forensic social workers because forensic social workers act as expert witnesses in court and therefore must have the knowledge and specialized skills to provide and present admissible evidence to the court.

### **Domestic Violence Act 116 of 1998**

The Domestic Violence Act 116 of 1998 which will be referred to as DVA from here on centres on securing the civil rights of individuals such as equality, freedom and basic human rights. The emphasis put on by the South African Constitution is to allow women and children a normal and non-abusive life through protection from domestic violence (Onyejekwe, 2004). Forensic social work practice affords victims of domestic violence the maximum protection and introduces measures to ensure that the relevant organs of State give full effect to the provisions of the DVA. The most vulnerable victims of domestic violence are women and children (Government Gazette, 1998). The DVA defines numerous conditions and situations, as well as categories of domestic violence. This includes physical, sexual, emotional, verbal, psychological and economic abuse (Benedicts, Jaffe and Segal, 2006). Included are acts of intimidation, harassment, stalking, damage to property, entry into complainant's residence without consent where the parties do not share the same residence, or any other controlling or abusive behaviour toward the complainant (Benedicts, Jaffe and Segal, 2006).

According to Gender Links's research in 2012, 77% of women in Limpopo, 51% in Gauteng, 45% in Western Cape and 36% of women in KwaZulu-Natal have been exposed to some form of violence, whether it is emotional, economic, physical or sexual abuse in their lifetime (Mazibuko, 2013). Legislation of the DVA will assist forensic social workers to ensure that more cases of domestic violence are reported (Mazibuko, 2013). Forensic social workers are also called to a scene where domestic violence has occurred to assist the victim, hand a notice containing information to the victim and inform the victim of legal procedures (Martin, 2010). It would seem to the author that the DVA is relevant to forensic social workers because they need to be able to protect their clients, mostly the vulnerable which are women and children as well as offering support, knowledge and empowerment to victims of domestic violence and their families.

### **Sexual Offences and Related Matters Amendment Act 32 of 2007**

The Sexual Offences and Related Matters Amendment Act 32 Of 2007 which from hereon will be referred to as the SORMAA aims at intensifying South Africa's efforts to fight sexual crimes against all persons and especially, sexual offences being committed against vulnerable groups like women, children and people who are mentally disabled (Department of Constitutional Development, 2008). Forensic social workers investigate crimes such as sexual abuse and the SORMAA intends to assist forensic social workers to effectively investigate these crimes (Department of Constitutional Development, 2008). This is because forensic social workers deal with facts based on evidence and according to Section 72 of the SORMAA, which provides for the implementation of Chapters 1 to 4 and 7. These chapters mainly deal with the creation of statutory sexual offences, special protection measures for children and the mentally disabled and evidence related matters (Department of Constitutional Development, 2008). A sexual offence refers to any of the following acts: rape, incest, sexual assault, the contravention of any offence in terms of Chapters 2, 3, and 4 and sections 55 and 71(1), (2) and (6) of the SORMAA.

*“Sexual abuse or sexual offence with regards to forensic social work practice includes a wide range of conduct: genital exposure, masturbation between adult and child, fondling breasts, genitals, buttocks, and thighs, oral copulation, vaginal or anal penetration by finger, penis, or foreign objects, dry intercourse (rubbing penis between child's thighs or anal-genital area), and commercial exploitation through prostitution or the production of pornographic materials”* (Strachan, Peterson & Durfee, 2003. 221-2).

In sexual abuse cases, forensic social work practice is relevant because effective and tactful forensic interviews are important to ensure the protection of individuals, their rights and the conviction of perpetrators (Cronch, Viljoen & Hansen, 2006). It would seem to the author that the SORMAA is relevant to forensic social workers because it helps them to ensure that their clients such as children, women and the mentally disabled are afforded special protection measures. These measures include the placing of victims in special protection units through removing the victims from sexual abusers homes.

### **Child Justice Act 75 of 2008**

The key function of the Child Justice Act 75 of 2008 which will be referred to as CJA from hereon is to establish a separate criminal justice process for children accused of criminal activity (Waterhouse, 2011). The system established seeks to provide protection to child offenders and to promote the use of restorative justice in handling cases (Waterhouse, 2011). Forensic social workers must be knowledgeable of the importance of the CJA as they need to apply this legislation when working with children. Knowledge of the CJA is also important to forensic social workers, as they must understand, for example, the sentencing options of the CJA.

The type of sentences provided in the CJA are divided into custodial and non-custodial sentences and these sentences are a range of options available to a magistrate or judge when imposing punishment on a convicted child or youth offender (Gxubane and Holtzhausen 2012). Forensic social workers, apart from doing their forensic social work assessments, should also perform a more consultative and educational role within the judicial system with regards to child justice. Forensic social workers are seen by the court as experts who can provide them with data that falls outside of the knowledge and expertise of the court (Waterhouse, 2011). It would seem to the author that the CJA is relevant to forensic social workers because they need to understand that child offenders are treated differently from adult offenders.

### **Children's Act 38 of 2005**

The key function of the Children's Act 38 of 2008 which will from hereon be referred to as the CA is to give effect to certain rights of children as contained in the Constitution of the Republic of South Africa Act 108 of 1996 (Government Gazette, 2005). It aims to ensure that principles relating to the care and protection of children are followed as well as defining parental responsibilities and rights; to make further provision regarding children's courts; to provide for the issuing of contribution orders; to make new provision for the adoption of children and to create certain new offences relating to children in South Africa (Government Gazette, 2005).

It would seem to the author that the CA is relevant for forensic social workers because forensic social workers must know the rights of the child and must protect, promote and fulfil

the rights of the child such as providing special care and assistance to children with involvement of the children's families and communities.

### **2.1.2 Policies for forensic social work**

Forensic social workers are required to abide to policies which inform forensic social work practice in South Africa. The three policies for forensic social work are White Paper of Social Welfare of 1997, the National Policy on Victim Empowerment and the Victim Charter of 1996.

#### **White Paper of Social Welfare of 1977**

The White Paper of Social Welfare of 1977 sets out the principles and programmes for developmental social welfare in South Africa (SACSSP, 2009). This policy is the primary policy document and serves as the base for social welfare in South Africa. The White Paper of Social Welfare of 1997 also applies to the South African Council of Social Service Professions (SACSSP, 2009). It supports the existence of the Council as a regulatory body for the social service professions. For example, the Council approved forensic social work as a speciality in social work in South Africa. According to the Council, to become a licensed forensic social worker in South Africa, individuals need to possess qualifications necessary for forensic social work practice, they need to be registered by the SACSSP as a forensic social worker and undergo training so as to equip forensic social workers with the required specialized skills and knowledge to be able to practice forensic social work competently in South Africa (SACSSP, 2009). It would seem to them author that the White Paper of Social Welfare of 1977 is relevant to forensic social workers because it is the base for social welfare in South Africa and this can assist forensic social workers in, for example sexual abuse cases.

#### **The National Policy Guideline on Victim Empowerment**

The National Policy Guideline provides regulatory framework for promoting and keeping rights of victims of crime and violence in order to prevent re-victimisation within the criminal justice system (Department of Social Development, 1997). Policy guidelines were developed in order to ensure the protection and support of victims through integration and coordination in well-established government systems so as to maximize the impact of services rendered (Department of Social Development 1997). The National Policy on Victim Empowerment is

relevant to forensic social workers because forensic social workers must understand that policy guidelines are guarded by seven key principles which are listed below:

- Empowerment
- Human rights
- Participation and self determination
- Family centred approach
- Accountability, effectiveness and efficiency
- Restorative justice
- Multi-disciplinary approach

The principles are embodied in values that determine the nature and quality of services for victims which involve respecting their rights and applying the principles of Batho Pele and Ubuntu. Forensic social workers must comply with this policy so as to look out for the welfare of victims.

### **Victim Charter of 1996**

The Victim Charter of 1996 which will be referred as the Charter from here on caters for victims of crime and their rights (New South Wales Government, 2013). Victims of crime may come into contact with different government agencies for many reasons and the Charter ensures that the victim is treated with dignity, respect, compassion and courtesy at all times (New South Wales Government, 2013). Forensic social workers come into contact with victims in their profession most of the time; therefore they should be aware of the Victim Charter as an important policy as they should follow appropriate guidelines and protocols of the Charter. Knowledge of the Charter ensures that forensic social workers and other government agencies do not violate the rights of victims but offer support to victims of crime (New South Wales Government, 2013). Therefore the Victim Charter is relevant to forensic social workers because they must have knowledge on the following rights of victims:

Victims have the rights to:

- Not be discriminated against, due to issues of race, ethnic group, colour or gender.
- A right to life, human dignity and freedom and security of the person which includes the rights to be free from all forms of violence from either private or public services

- A right to be equal in front of the law
- A right to have his/her case heard
- A right to make use of public services and a right to receive information (New South Wales Government, 2013).

Forensic social workers understanding of the Charter must give recognition to the serious nature of violent crimes. These violent crimes have effects on victims as they are traumatized. It has been acknowledged that these crimes can undermine victim rights. Forensic social workers should therefore aim to eliminate secondary victimization and to ensure that victims remain central to the criminal justice process (New South Wales Government, 2013).

## **2.2 Conceptualizing forensic social work**

Forensic social work is fairly a new specialist field in terms of service provision in social work in South Africa. The forensic social worker is primarily involved in investigating reports of alleged abuse and must draw up a court report and when acting as an expert witness must give evidence as well as testify in court (National Research Foundation, 2011). Forensic social work refers to the application of social work to questions and issues relating to law and legal systems (Baker and Branson, 1993). It is social work practice which is related to legal issues and litigation, both criminal and civil (Baker and Branson, 1993). Child custody issues, involving separation, divorce, neglect, termination of parental rights, the implications of child and spouse abuse, juvenile and adult justice services, corrections, and mandated treatment all fall under this definition (National Organization of Forensic Social Work, 1997). The South African Council of Social Service Professions (SACSSP) defines forensic social work as a specialized area of social work that focuses on the interface between society's legal and human systems and is characterized by the social workers primary function of providing expert testimonies in courts of law with the primary client being the judiciary system (SACSSP, 2008). It would seem to the author that the need for forensic social work in sexual abuse cases is very high and this must be done through programmes and principles of developmental social welfare in South Africa (SACSSP, 2009).

However, forensic social work defined in terms of the specialized knowledge and skills required to practice it, is the policies, practices, and social work roles with juveniles and adult offenders and victims of crime (Roberts & Brownell, 1999). Rome (2008) observed that

forensic social workers provide recommendations to courts regarding individual's competency to stand trial or risk of violence; or contribute to the court's decision to impose alternative sentencing options by conducting forensic interviews, psychosocial assessment and expert witness testimony. Examples of alternative sentencing options for perpetrators include community service and life skills training programs (Patterson, 2012).

Forensic social work combines social work with law and this caters for the social functioning and socio-legal conditions of offenders and victims. The social conditions include unemployment, alcohol abuse, history of violence just to name a few and the legal conditions include understanding legal procedures, appearances in court, expert testimony and presentation of evidence (Maschi and Killian, 2011). The term forensic, underscores the infusion of social justice and human rights principles in criminal justice social work (National Organization of Forensic Social Work, 2013).

The term forensic also underscores the joint nature of effective forensic social work, which includes collaboration with clients, professionals and other stakeholders within and across formal and informal systems to work together in order to access information of clients (Maschi and Killian, 2011). Effective forensic social work requires an integrated but two pronged approach that addresses psychosocial aspects and law and policy to help individuals, families and communities through provision of services (Maschi and Killian, 2011). Forensic social work involves intervention with individuals on a personal level to address their wellbeing. For example, participating in the promotion of the legislation, that addresses the rights of women (Maschi and Killian, 2011).

### **2.3 Skills and knowledge required for Forensic Social Work**

Skills and knowledge are the specialized training needs required by social workers to competently practice forensic social work in South Africa. The legal environment can be very challenging for forensic social workers navigating through it. Developing specialized skills and knowledge that are common to the work forensic social worker's encounter is essential within the legal system. Acquisition of specific skills and knowledge will assist social workers who practice forensic social work to become experts in their profession. The skills required are language used in court; communication and engagement skills; writing skills,



professionalism and networking. The knowledge will entail aspects of human rights; criminal justice and legal aspects; and the knowledge on courtroom procedures and legal regulation.

### **2.3.1 Skills**

Skills refer to the production of specific behaviours under the precise conditions designated for their use (Middleman et al, 1990). A skilled person is somebody having or showing skill, is highly trained or experienced for work requiring, in this case, the practice of forensic social work (Vass, 1996). Social workers who practice forensic social work in South Africa need to be skilled to practice in this specialized field of study. Educators teach cultural competence in terms of race, ethnicity, sexual orientation and gender discrimination but professions such as forensic social work have their own cultures (Rosenberg, 2009). The culture of forensic social work practice requires specialized skills which are explained below.

#### **Language used in court**

Forensic social workers need to understand the language used in court so that they become effective expert witnesses (Rosenberg, 2009). Forensic social workers require expertise in presenting their case to the courts. They need to be skilled in their use of language. Language used in court must be respectable, for example when addressing to people of standing such as magistrates. Forensic social workers must also understand the terms used in court so that they do not misunderstand what is stated in court, provoke the magistrates or judges and risk spoiling the case due to misinterpretation. They should use words such as “Yes, your honour” and “No, your honour” when addressing the court (Rosenberg, 2009). Body language is also important when addressing the court. Forensic social workers should be relaxed, composed, and confident and not fidget in the courtroom so as to gain respect and trust in the courtroom (Gxubane and Holtzhausen, 2012).

#### **Communication and engagement skills**

Forensic social workers need to have good communication and engagement skills towards individuals, groups and other professionals. Good communication and engagement skills assist forensic social workers to access information from clients and other professionals such as the police (Maschi and Killian, 2011). It would seem to the author that it is a difficult process for students and new social workers to adjust to working in legal settings such as courtrooms. They need to develop skills to build relationships with other professionals.

Forensic social workers need to collaborate with other professionals, for example, attorneys; law enforcement personnel; clients; family members and other stakeholders because this is critical to achieving success (Mele, 2009). According to Bronstein (2003), interdisciplinary collaboration is an “effective interpersonal process that facilitates the achievement of goals that cannot be reached when individual professionals act on their own”.

### **Writing skills**

Forensic social workers also need good writing skills. Writing skills are essential as this helps forensic social workers to compile good screening reports (Mele, 2009). A screening report is an assessment report, for an example of a domestic violence case. It is a summary of the description of the crime, scope of the crime and an assessment and identification of the effects of the abuse (Canadian Environmental Assessment Agency, 2012). The screening report can be produced in court as evidence. Forensic social workers also need good writing skills as they write recommendations to the magistrate for offenders and victims. These reports need to be accurate and reliable so that magistrates do not get wrong information (Mele, 2009).

### **Professionalism**

Professionalism is also a valuable skill required in forensic social work practice. A skill in professionalism assists forensic social workers in collaborating with professionals from a wide range of services and different backgrounds such as the police (Mele, 2009). The sense of professionalism includes properly addressing people of standing such as judges. Professionalism also includes behaving and dressing appropriately in areas such as courtrooms. The manner in which forensic social workers dress and carry themselves in the courtroom will speak volumes about their profession, standard of work and self-confidence (Mele, 2009). Professionalism also requires credibility and follow through in investigation to access correct information which will not mislead the court in passing a sentence (Mele, 2009).

### **Networking**

Networking is also an essential skill needed by forensic social workers. Forensic social workers require contacts to access reliable information which they cannot access from other professionals. Forensic social workers must be able to negotiate and connect with other

individuals. This includes professionals from the criminal justice system and civil justice who may have relevant information on an offender or victim (Maschi et al, 2009). According to McNicoll (2013) forensic social workers provide support services to people with mental health issues who have offended in the past. Referrals are made from various sources such as prisons, the courts, the community and hospitals by forensic social workers as information is needed from these sources to have a clear background of the victims. Therefore, networking is a very important skill which is required for forensic social work practice.

### **2.3.2 Knowledge**

According to Bruck & Speed (1995) whatever the setting, practitioners need the following three components of knowledge to work efficiently: Knowledge that informs the practitioner about the clients' experience and context; knowledge that helps the practitioner plan appropriate intervention; and knowledge that clarifies the policy and organisational context in which the practice takes place. Human rights; criminal justice and legal aspects; restorative justice; therapeutic jurisprudence; knowledge on courtroom procedures and legal regulation all fall under the three components of knowledge discussed above. The culture of forensic social work practice requires specialized knowledge which is discussed below.

### **Human Rights**

Forensic social workers must be equipped with the knowledge of basic human rights as this is central to the practice. Such knowledge assists forensic social workers in intervention methods to change the exploitative, unjust structures that perpetuate injustice, violation and oppression of human rights (Maschi et al, 2009). The role of forensic social workers is to denounce violation of human rights with education on legislation and policy. Offenders and victims can be discriminated against because of their race, gender, sexual orientation and religion. According to Bricker-Jenkins et al (2008), "the keystone instrument of human rights, the Universal Declaration of Human Rights (UDHR), adopted unanimously by the United Nations' General Assembly in 1948, all are equal before the law and are entitled without any discrimination to equal protection of the law" (Bricker-Jenkins, Barbera, & Young, 2008: 263) and all have certain rights in front of the criminal justice system. Therefore, the responsibility of forensic social workers is to ensure that discrimination against clients is avoided in and out of the courtrooms (Maschi et al, 2009).

It would seem to the author that forensic social workers analyse the structures in society that lead a lot of people to turn to crime. This results in a critical reflection on the inherent injustices and structural violence that is present in society which lead to poor people and minority persons being imprisoned in South Africa. This will in turn facilitate the empowering of prisoners and change the conditions that lead to human rights violations in prisons

### **Criminal justice and legal aspects**

Forensic social work requires an understanding of criminal justice, social work and other systems such as psychiatry, psychology, interpersonal, familial, law, ethics and community settings (Baker, 1995). Social workers practicing forensic social work in South Africa should take criminal justice courses, forensic courses and legal courses as electives to help provide a knowledge base for practice (National Organization of Forensic Social Work, 2013). They can also do internships in forensic type settings such as SAPS for professional exposure (National Organization of Forensic Social Work, 2013). Forensic social workers also need to be aware of concepts like restorative justice and therapeutic jurisprudence (Butters, 2011).

The criminal justice system comprises of three components which are the police, the courts and corrections. Social workers and other professionals practicing forensic social work come into contact with the above mentioned components when conducting their duties (Maschi et al, 2009). It would seem to the author that knowing the law, legal and criminal justice system enhances the effectiveness and legality of forensic social workers. Therefore, forensic social workers should be knowledgeable of the process of engaging with the police, courts and corrections to become experts in forensic social work practice in South Africa.

### **Restorative Justice**

Restorative justice can be recommended to magistrates by forensic social workers so as to rebuild relationships between offenders, victims, their families and communities. Restorative justice implies that the offender is held accountable for his/her crime and that victims are able to ask offenders why the offenders committed a crime against them (Butters, 2011). Forensic social workers may work as correctional officers and correctional counsellors in prisons, with youth offenders, in programs of sexual abuse offences and victim assistance programs

(Maschi et al, 2009). Forensic social workers must therefore be equipped with knowledge on restorative justice so as to resolve conflict caused by wrongdoing. However, forensic social workers should not only use restorative justice for resolving conflict. Restorative justice can also be used as a political tool to advocate for the rights of victims and for compassionate treatment of offenders (Maschi et al, 2009).

### **Therapeutic jurisprudence**

Therapeutic jurisprudence is the study of how legal systems affect the emotions, behaviours and mental health of people (Maschi et al, 2009). It ensures positive outcomes of legal rules, procedures and actions (Maschi et al, 2009). Therapeutic jurisprudence ensures that forensic social workers practice with an ethic of care and strong interpersonal skills. Forensic social workers must value the psychological well-being, legal rights and interests of their clients' so as to seek to prevent legal problems arising through problem solving approaches (Butters, 2011). Knowledge about therapeutic jurisprudence is vital for forensic social work practice in South Africa. This is because therapeutic jurisprudence can ultimately break the cycle of violence in for example, domestic violence offenders (Mazibuko, 2013). Therapeutic jurisprudence ensures that forensic social workers carry out their duties effectively in order to reduce the chances of offenders' committing the same crime again. However, therapeutic jurisprudence also caters for the needs of victims as it ensures that victims do not fall prey to the same crime again (Mazibuko, 2013).

### **Knowledge on courtroom procedures and protocols**

Forensic social workers should be knowledgeable about general procedures in courtrooms. Forensic social workers must know their place and what is required of them in court (Baker and Branson, 1993). They need to know the specific roles of different professionals in court. Forensic social workers should also know about opinion testimony, admissibility of evidence in court, process of giving testimony, making recommendations, appearance and dress code for court and how to address the courts (Gxubane and Holtzhausen 2012). Forensic social workers should have knowledge about what the courts expect from them so as to command respect. However, forensic social workers are not always fully aware of legal requirements or changed laws so they need to always be in touch with new developments (Baker and Branson, 1993).

### **Legal regulation**

Finally, social workers practicing forensic social work need to know about the legal regulation of the profession and other forms of accountability. For example, licencing is a pre-requisite for forensic social workers to practice forensic social work in South Africa (Baker and Branson, 1993). It would seem to the author that a forensic social worker must therefore be registered as a forensic social worker by SACSSP. The government must ensure that social workers, other professionals and students in social work should be equipped with the qualifications, training, experience and specialized skills and knowledge to be able to become registered as forensic social workers in South Africa.

## **2.4 Victimology**

A victim is referred to as an individual who has suffered physical, emotional or mental harm resulting from another person's or offender's action. Victimology is a study of all victims of crime and the psychological effects of their experience (Schoeman, 2012). Victimisation caused by crime can take away the normal sense of order an individual knew before the occurrence of the crime. Victims feel threatened, violated and are fearful. Victims of crime suffer from the side effects of crime (Schoeman, 2012). The emotions resulting from victimisation include feelings of powerlessness, grief, confusion, guilt, self-blame and shame. As a consequence victims suffer from uncertainty during justice proceedings in court (Schoeman, 2012).

Forensic social work is linked to victimisation as social workers who practice forensic social work in South Africa provide evidence as expert witnesses in court, stand up for the rights of victims and also access information from and provide information to victims (Schoeman, 2012). The study of victimology is necessary for forensic social work practice in South Africa as forensic social work practice focuses on the impact of the crime, nature, extent, distribution and the cause of victimisation (Schoeman, 2012). However, despite that forensic social work practice focuses on both victims and offenders of crime, the author believes that victimology is the most essential as there are high rates of crime in South Africa and therefore the development of the practice of forensic social work will contribute to the reduction and prevention of crime. The high volume of crime has resulted in a high demand for forensic social work practice as a way to curb victimology in South Africa.

## **2.5 Demand for forensic social work**

The major societal trend that is shaping the future demand and introduction of forensic social work is the increasing demand for law in social work practice (Baker and Branson, 1993). It would seem to the author that increasing complexity of social problems has also created a foundation for the development of forensic social work practice in South Africa. Adopting forensic social work will help increase social and justice outcomes (Maschi et al, 2009). Forensic social work is designed to respond to investigations of crime and provide services to offenders and victims in courts as well as in communities (Rosenberg, 2009). There is a broad societal view that the best way to deal with offenders is to incarcerate them. However, it is believed that imprisonment is not the solution because offenders placed in jail are exposed to harsh conditions and become hardened criminals (Rosenberg, 2009). When the hardened perpetrators are released from prisons they resort to harsher crimes in their communities (Rosenberg, 2009). Forensic social work practice acts as a stepping stone towards rehabilitating offenders as forensic social workers recommend alternatives to imprisonment to courts such as community service, creation of programs such as intervention and treatment programs and restorative justice (Rosenberg, 2009).

The lack of effective forensic social work practice in South Africa has a serious impact on the functioning of the criminal justice system. The development of forensic social work practice will assist in the fight against issues such as domestic violence, sexual abuse and will prioritise vulnerable groups such as women, children and the mentally challenged victims (Mazibuko, 2013). Children, women and people living with mental disabilities are mainly targets to offenders of sexual violence. This is because children and the mentally disabled do not give effective statements and evidence to justice officials because they are mentally incompetent. This will result in the lack of evidence presented in court; leading to the case ultimately being dismissed as the offender is not sentenced (Mazibuko, 2013). Establishment of forensic social work in South Africa will provide services which will prepare victims for trial and thorough assessment of the perpetrator by forensic social workers, particularly if the crime is committed by a minor (Mazibuko, 2013). Therefore, forensic social work is in demand in South Africa because the practice will effectively look into the background of the victim and the offender, which in return will hopefully prevent recidivism (Mazibuko, 2013).

Forensic social work can assist the justice system to provide more effective services to the offender, families and communities (Wilson, 2010). Recidivism and re-arrests can be reduced through treatment and early identification and intervention into the risk factors of how social problems emerge (Rosenberg, 2009). These risk factors may include excessive alcohol and drug abuse; dysfunctional families; child abuse and a history of past criminal behaviour (Hesselink, 2012). Rosenberg (2009) believes that low conviction rates of offenders in South Africa are evident because of the challenges experienced by social workers and other professionals in providing the necessary professional inputs in legal and police procedures and processes.

## **2.6 Functions of forensic social workers**

Forensic social work involves a number of functions which include: Investigations; acting as expert witnesses in court; acting as advocates; evaluating individuals for the purpose of compiling reports; providing recommendations to courts; facilitating court ordered sentences; acting as mediators; testifying about professional standards of social work; acting as educators to colleagues; developing licensing laws and maintaining relationships with their clients. These functions are discussed below.

### **Investigations**

Forensic social workers investigate cases where criminal conduct has possibly occurred and present the results to judges, juries and other law authorities (Baker and Branson, 1993). For example, a forensic social worker testifies about visits to homes where domestic violence has occurred and reports cases such as damage to property, injury or even death of a victim. Sexual abuse in South Africa is very high. Forensic social workers are appointed for sexual abuse investigations. They assess cases of the alleged victims of sexual abuse in order to determine the likelihood that sexual abuse actually took place (Truter, 2010). Forensic interviewing is an instrument used in Child Protective Services (CPS) investigations. This is whereby a child is interviewed by a forensic social worker to access information on maltreatment or abuse. Investigations are conducted in order to ensure that evidence gathered is presented and admissible in court (Jordan Institute for Families, 2002).



## **Expert witnesses**

Forensic social workers investigate on crimes such as child abuse and rape and compile forensic reports as they prepare for presentations in court as expert witnesses. A forensic social worker qualifies as an expert witness by reason of education or specialized experience and possesses greater knowledge about a case than any lay person (Graser, 2002). The forensic social worker provides expert testimony and supplies information of the case to the courts of law. Expert witnesses should prepare themselves thoroughly before standing in court so as to maintain their confidence and composure (Baker and Branson, 1993). Forensic social workers must therefore be aware of relevant details of the crime as the report compiled by expert witnesses must address the impact of the crime on the victim and to which the perpetrator has been affected by his/her own actions. Information presented in court must be in a clear and concise manner (National Organization of Forensic Social Work, 2013).

The expert witness provides expert testimony in court which takes the form of opinion evidence (Weyers, 1999). Opinion evidence enlightens the court with regard to factors such as social problems and human behaviour, the impact that a crime or other traumatic experience could have on the victims and the situations that can cause people to offend (Weyers, 1999). For example alcohol abuse can cause people to offend.

## **Advocates**

Forensic social workers also act as advocates in South Africa. They are usually called by the police to a scene of a crime. The role of the advocate is to assist the victim and provide him/her with information on available social services such as counselling and advocating for welfare rights (Maschi et al, 2009). Victim empowerment and victim support are also part of the forensic social worker's duty as an advocate. Through victim empowerment, the forensic social worker cares and assists the victim for the purpose of facilitating the individual's access to a range of services they might need after their victimisation (Department of Social Development, 2009). Victim support seeks to assist crime victims with emotional support, practical help and information. It strives to reduce secondary victimisation by providing information on matters such as the status of the investigation, functioning of the court system and the rights of victims (Themba Lesizwe Organisation, 2005).

### **Evaluation of individuals for the purpose of compiling reports**

The forensic social worker systematically evaluates individuals so that the resulting information can be presented in court or to legal authorities. These evaluations are carried out in order to gather data in which the court needs (Baker and Branson, 1993) for example questions such as why the perpetrator abused the victim and, in what way the victim suffered are usually asked? Questions relating to physical or emotional damage are used by forensic social workers to evaluate victims. Assessments regarding suspect's mental competency to understand their behaviour and stand trial is also a function of a forensic social worker (National Organisation of Forensic Social work, 2009).

### **Forensic social workers' recommendations to the court**

Recommendations are made by forensic social workers to courts of law and other legal authorities. These recommendations involve issues of contributing to alternative ways of resolving, punishing and rehabilitating perpetrators (Baker and Branson, 1993). For example, after the assessment of a defendant, the forensic social worker may recommend to the court on ways an offender could be rehabilitated, for example, community service (Muntingh, 2005). Recommendations concerning child custody and divorce are also tasks included and provide for victim support and empowerment (Muntingh, 2005).

Forensic social workers testify in courts of law and provide recommendations to courts. This is aimed at helping the courts make rationale, objective, effective and appropriate sentences (Zehr, 2002). For example, restorative justice is also a way in which offenders and victims are brought together. The offender is held accountable for his or her crime and apologises to the victim for the abuse where possible ((Zehr, 2002). Recommending restorative justice to courts assists the courts in making an order that is of best interest to both parties, that is, the victim and offender (Weyers, 1999). Recommendations are made by forensic social workers to assist the magistrates in choosing suitable sentencing options for perpetrators and recommendations concerning child custody, divorce, and the placement of emotionally disturbed or delinquent juveniles (Mazibuko, 2013).

### **Facilitation of court ordered sentences**

Forensic social workers can also facilitate a court ordered sentence for an offender. For example, a forensic social worker monitors an offender who has been placed on community

service (Baker and Branson, 1993). The forensic social worker makes sure that the offender completes and does not default the sentence. Treatment to the convicted person and advice to people who work with the perpetrator is also given by the forensic social worker (Baker and Branson, 1993). The practitioner also gives guidelines and information to supervisors in areas of placement so that they are aware of legislation necessary for guiding supervisors in working with the offender (US Courts, 2010). This protects the offender from abuse and violation of human rights and raises awareness to supervisors on rules of engagement with the offender (US Courts, 2010).

### **Mediators**

Forensic social workers also act as mediators. Mediation is given to individuals and groups who are involved in disputes such as offenders and victims, offenders and their families and victims and their families (Baker and Branson, 1993). This is done to resolve disputes that may require extensive intervention than courtrooms (Baker and Branson, 1993). Many people especially with marital problems want to avoid the adversarial nature of legal proceeding and do so through mediation services (Baker and Branson, 1993). For example, victim offender mediation is a process that provides interested victims of crime the opportunity to meet the offender that transgressed against them in a safe and structured setting (Umbreit, 2008). The purpose of the meeting is to hold offenders accountable for their behaviour while providing an opportunity for victims to make their voices heard (Umbreit, 2008). The role of the forensic social worker is to prepare both parties for participation in the victim offender mediation process and to facilitate the session. Forensic social workers participation in mediation reduces conflict (Umbreit, 2008).

### **Knowledge about professional standards of social work**

Forensic social workers must be well versed in professional standards and the social work code of ethics (SACSSP, 2009). Forensic social workers testify about professional standards of social work and facilitate cases of possible malpractice and unethical conduct. Social workers can be sued for malpractice so they need to be knowledgeable about practice and functions in court (Baker and Branson, 1993). Defendants and attorneys might ask for forensic social workers to inform the court on specified elements of the professional's ethics and other professional standards (Baker and Branson, 1993). Social workers may also be

asked if certain practices are effective or safe and whether other procedures might be preferable (Baker and Branson, 1993).

### **Act as educators to their colleagues**

Forensic social workers act as educators to their colleagues. They educate them on issues of influence of law in social work, teach courses and give workshops on the legal aspects of social work practice (National Organization of Forensic Social Work, 2013). In South Africa, forensic social work practice is new and therefore a lot of professionals such as social workers, probation officers, police, prosecutors and magistrates need to be educated and need to know about forensic social work. Forensic social workers also provide consultations to agencies and individual workers about law to provide professional services within the law (Baker and Branson, 1993).

### **Developing licensing laws**

Development and enforcement of licensing laws to regulate professional social work practice is facilitated by forensic social workers. They assist in developing these laws, educating the public and the profession about the licensing laws (National Organization of Forensic Social Work, 2009). This is a way of ensuring that forensic social workers are contributing to meet the needs of the public, clients and members of the profession, professionally (National Organization of Forensic Social Work, 2013).

### **Maintaining relationships with their clients**

Finally, the most important function of forensic social workers is maintaining good relationships with their clients (Baker and Branson, 1993). They respect their client's confidentiality and build trust and rapport with them. This upholds the spirit of the law and the ethical principles of their profession (Baker and Branson, 1993). It would seem to the author that the fundamental reason forensic social workers choose to practice forensic social work is to help clients. Forensic social workers must understand who the client is and what the contributing factors are in assessing whether a person will abide by or break the law. Maintaining relationships with clients is very important to the practice of forensic social work because it becomes easier for the forensic social workers to assess the victim or offender and get information from the client.

## **2.7 Challenges often faced by forensic social workers**

The biggest challenge faced by social workers who practice forensic social work in South Africa is that they lack the facts on the definition of forensic social work. It is difficult for them to distinguish forensic social work and generic social work. This is because in the South African context the concept and practice of forensic social work is still developing (Corsini & Aurebach, 1996). Social work is aimed at improving the social functioning of individuals, families and communities by providing services which care and cater for the public (Corsini & Aurebach, 1996). However, forensic social work is a broader term as it is a specialized field of social work practice that is characterised by the social workers primary function of providing expert testimony in courts of law (Barker and Branson, 1993). The forensic social workers role as an expert witness is the most distinguishing trait between social work and forensic social work. Forensic social work includes services such as social security, legal aid, correctional services, probation services and matters concerning child custody just to name a few (Van Der Merwe, 1980).

Forensic social work is an emerging field in South Africa and most people are still unaware of it. Courts, legal authorities and lawyers are not familiar with the many functions and services that the forensic social workers provide (Rosenberg, 2009). They only have the idea that social workers only engage in issues of child protective services since this was the only issue dealt with by the South African Police Service in previous years in South Africa (Ludwig, 2007). However, the development of forensic social work practice in South Africa means that many social problem issues such as domestic violence, mental health, sexual abuse, immigration, custody and divorce just to name a few must be now considered. The legal profession therefore needs to be educated about the emerging field of forensic social work in South Africa and the wide range of functions that forensic social workers engage in (Rosenberg, 2009).

Social workers who practice forensic social work also face the problem of implementing legislation. These legislation include acts such as the Criminal Procedure Act 51 of 1977; the Law of Evidence and Amendment Act 45 of 1998; Domestic Violence Act 116 of 1998; Sexual Offences and Related Matters Act 32 of 2007; Child Justice Act 75 of 2008 and the Children's Act 38 of 2005.

While social workers (both state and non-governmental) do assist victims of violence in a variety of settings, including emergency rooms and courts, the extent of assistance offered is often limited by resources, high caseloads, and, of late the prioritisation of child sexual offences (Baker and Branson, 1993). Social workers who practice forensic social work need to improve their marketing skills as these are bad (Baker and Branson, 1993). They are unable to effectively market themselves and need to enhance their ability to communicate what forensic social workers do for the public(Rosenberg, 2009). The next chapter presents the research design and methodology that was adopted in the study.

## **Chapter 3: RESEARCH DESIGN AND METHODOLOGY**

### **3 Introduction**

Methodology is a systemic way of solving the research problem in a scientific way. It involves a study of steps taken which are adopted by the author in studying the research problem (Babbie and Mouton, 2001). The discussion on the methodology in this chapter will focus on the research design; population of the study; sampling strategy; method of gaining consent; data collection method; research instrument and data analysis.

#### **3.1 Research design**

A research design is a plan formulated by the way the author intends to carry out research for the purpose of collecting data (Babbie and Mouton, 2001). This study adopted a combination of both qualitative and quantitative approaches. According to Creswell (2009) a combined approach involves philosophical assumptions, the use of qualitative and quantitative approaches and the combining of both approaches in the study. A quantitative research design refers to observations and measurements that can be made objectively and repeated by other researchers (Popper, 2004). On the other hand, a qualitative approach research design accommodates participants' views, opinions, attitudes and personal experiences (Sayer, 1992).

In this study, a combination of both qualitative and quantitative approaches was used because it provides a better understanding of the research problem and strengthens the outcome of research results (Delpont & Fouché, 2011). The combination of the two approaches allows for the collaboration between quantitative and qualitative methods as both deductive and inductive strategies are present in the combination of the approaches (Creswell and Plano Clark, 2007). However, through combining the two approaches, the quantitative approach is more predominant over the qualitative approach.

In this study, data analysis within combining the two approaches was presented with quantitative (descriptive and inferential numeric analysis) and qualitative (descriptive and thematic text analysis) and often between the two approaches. The author identified statistical relationships when analysing research data collected quantitatively. Tables and graphs were used in the study to clearly illustrate the trends and frequency. In addition, the author looked for patterns and themes during the analysis of qualitative data (Creswell and Plano Clark,

2007). The combined approach therefore strengthened the findings and created a better understanding of the research problem.

### **3.2 The population of the study**

A population in the research enterprise is the entire set of people or objects or numbers which are studied at a particular time (Binder and Geis, 1983). In this research, the population comprised of social workers practicing forensic social work in South Africa. The Gauteng Province population was targeted for the research. The opportunity for the author to conduct a survey in Gauteng Province came along because a lecturer in the Department of Social Development from the University of Cape Town was running a forensic social work training workshop for social workers practicing forensic social work from October (2013) to January (2014).

### **3.3 Sampling strategy**

Sampling refers to the process used to select a portion of the population for study (Maree and Pietersen, 2007). Specific sampling techniques allow the author to determine and/or control the likelihood of specific individuals being selected for the study (De Vos et al, 2011). In this research, the sampling strategy which was used is non-probability sampling. Non-probability sampling refers to a sampling technique that does not seek to select a random sample. Subjective methods are used to decide which elements are included in the sample (Battaglia, 2013). Non probability sampling was chosen for this study because it represents a valuable group of sampling techniques that can be used in combined research (Laerd Dissertation, 2012). There is also an assumption that there is an even distribution of characteristics within the population making any sample representative when compiling results. Reliability can also be measured in non-probability sampling (Statistics Canada, 2013).

The type of non-probability sampling used in this study was purposive sampling. Purposive sampling also referred to as judgemental sampling is where the researcher selected the appropriate sample size on the basis of his or her own knowledge of the population, its elements and the nature of the research aims (De Vos, 2011). The sample in this study comprised of 18 participants who volunteered to participate in the survey conducted at the training workshop in Gauteng Province, South Africa. Initially, 30 participants who attended



the training workshop were requested to attend the training workshop and only 18 participants completed and returned the questionnaires.

### **3.4 Method of gaining consent**

According to Merriam-Webber (2014) consent refers to the authorities and participants giving permission for the author to conduct the study. It would seem to the author that consent recognizes the need for the authorities and participants to know about the study and the procedure to follow before granting consent of respondents. However, in this case, the author was fortunate since he did not have to negotiate with authorities since a lecturer conducted the forensic social work training workshop held in Gauteng Province and negotiated directly with the workshop participants. The questionnaires were distributed to participants on the author's behalf.

### **3.5 Data collection method**

Data collection method is defined as the gathering of research data in order to understand the key elements of the research problem (Maree and Pietersen, 2007). The type of data collection method which was used in this study was a survey. A survey refers to a research data collection method used to gather information from participants. In this study, the survey aimed to collect the opinion of social workers practicing forensic social work (Cherry, 2014). A survey was used in this study because it was advantageous in that it provided a much comfortable environment for the participants to respond to the research questions in writing (Boyce et al, 2006). A survey also helped the author to gather research data in a relatively short period of time and was created quickly and distributed easily (Cherry, 2014).

### **3.6 Research instrument**

This study made use of a questionnaire as a research instrument to gather research data. A questionnaire is attached as Annexure 2 on page 81. The questionnaire was appropriate for the study because it was practical and a large amount of data was gathered from the participants' in a short period of time and this was relatively cost effective. The use of a questionnaire was important as it is a tool for data collection and its main function is measurement (Oppenheim, 1992). A questionnaire is the most important and relevant research instrument in surveys and leads to the gathering of quantitative research data (Oppenheim, 1992). The results of questionnaires were quickly and easily quantified by the

author (Popper, 2004). However, the questionnaire also allowed for qualitative data to be gathered due to some open ended questions in the questionnaire (Dornyei, 2007).

### **3.7 Data Analysis**

Data analysis is a process of bringing order, structure and meaning to the mass of data collected and at the same time conceptualizing and transforming the data into meaningful conclusions (Jonkers, 2012). In this research, data was analyzed for the purpose of generating the findings. To ensure that there was the effective management of the data, all completed questionnaires were collected and stored safely by the author. According to Schurink, Fouché and DeVos (2011), managing your data is the first step in data analysis away from the site. Following the organization phase, data was reviewed by reading through the questionnaires several times and the data was then analyzed. This process of exploring the data made it easier to reflect on the focal point and the conceptualization of the study (Schurink, Fouché & De Vos, 2011). The author created a structure that organized the collected data into tables, graphs, themes and categories.

The research data which was analyzed was used to generate the themes by the quantitative and qualitative data tending toward a common conclusion and giving support to each other. This can be noted in the findings as the quantitative and qualitative approaches have a connection. The author analyzed qualitative questions into categories, themes and sub themes. All quantitative data was analyzed, presented and displayed in tables and graphs. The combination of the quantitative and qualitative approaches was used to increase credibility and validity of results as this approach attempted to explain more fully the richness and complexity of the study. It would seem to the author that a combination of the two approaches gave a more detailed and balanced understanding on the complexity of the research data. The next chapter that follows is the presentation and analysis of research data.

## **Chapter 4: PRESENTATION AND ANALYSIS OF RESEARCH DATA**

### **4 Introduction**

This chapter presents and analyses the research data. A combination of both the qualitative and quantitative approaches will be used to present and analyse the research findings. The participants' comprised of thirteen (13) social workers, one (1) chief social worker, one (1) probation officer, one (1) project coordinator, one (1) victim empowerment coordinator (VEC) and one (1) regional victim empowerment coordinator (RVEC). The profile of the participants is presented first so as to give the reader the background of the participants.

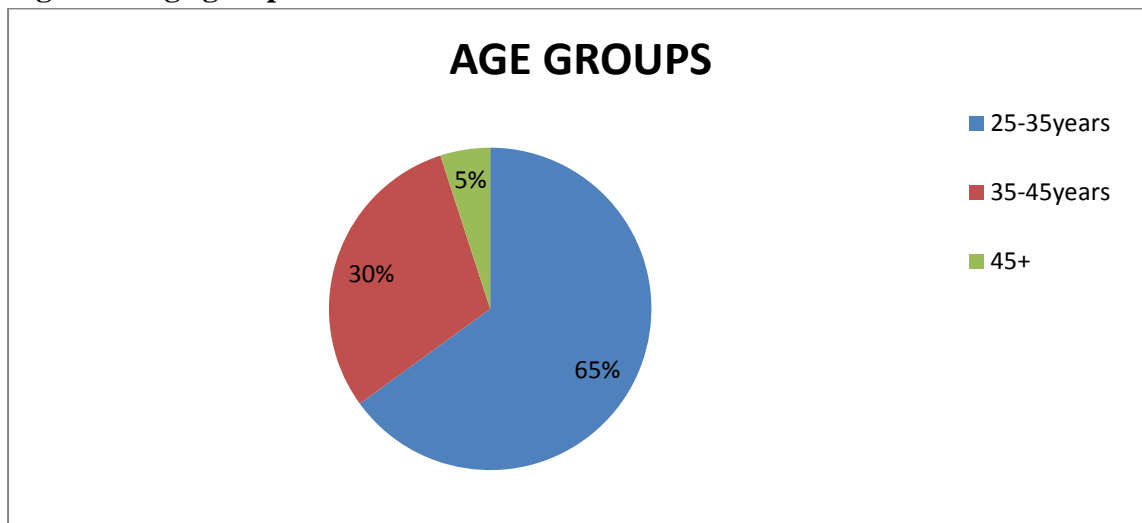
### **4.1 Background information on participants**

This section gives the reader an overview into the profile of the research participants by focusing on the biographical details which include age group, gender; highest educational qualification and name of qualification; job title; five main duties in relation to participant's current position and the years of experience the participant has been in forensic social work. The reader must note that the biographical data provided is not the main focus of the study but intends to provide background information of the participants.

#### **4.1.1 Age groups of participants'**

The age variable was included as part of the profile to identify quantifiable age population subsets of the participants practicing forensic social work in South Africa. Age can be measured and can change and this influences outcome of research. Figure 1 below presents the distribution of the age groupings of participants' practicing forensic social work.

**Figure 1: Age groups**



The diagram above indicates that the age groups of the participants range from 25 years of age to over 45 years. Out of the eighteen (18) participants, twelve (12) were of the age group of 25-35years (65%), five (5) were of the age group of 35-45years (30%) and one (1) participant was of the age group of 45 years and above (5%). This shows that the age group between 25-35 years (65%) was the dominant age group which participated in the study and that of 45 years and above was the least.

#### **4.1.2 Gender of participants practicing forensic social work**

Gender was used to give the reader an idea of the distribution of males and females who participated in the study. Figure 2 below gives the distribution of male and female participants.

**Figure 2: Gender**

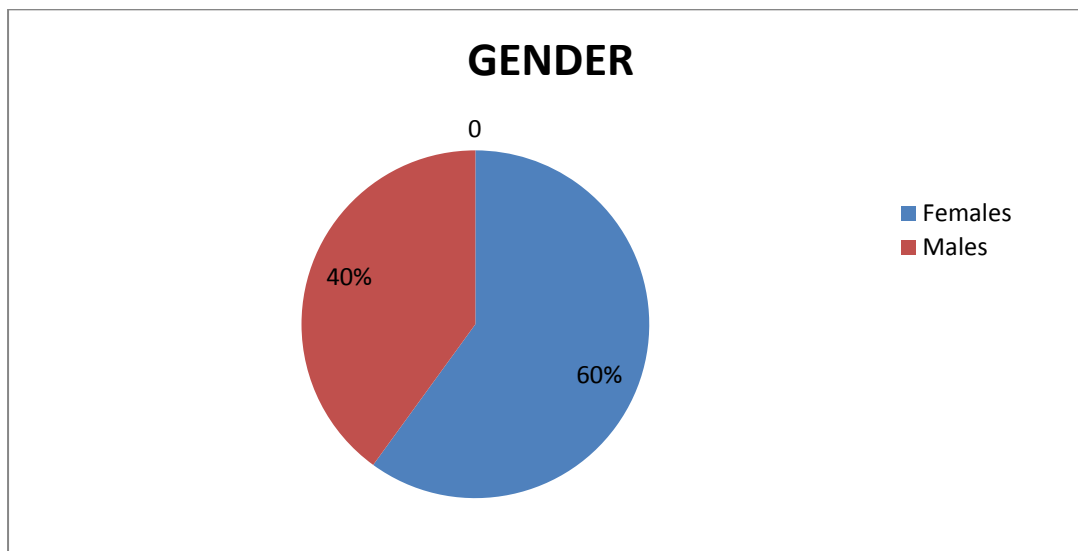


Figure 2 indicates that out of the eighteen (100%) participants who participated in the survey, most of the participants, that is, eleven (60%) of the participants were females and just under half of the participants, that is, seven (40%) were males.

#### **4.1.3 Highest educational qualifications obtained by participants**

The highest educational qualifications obtained by the participants are presented in this section so as to give the reader background information on the participants educational achievements since education is required to practice forensic social work. Table 1 below presents the educational qualifications of participants.

**Table 1: Educational qualifications**

Highest Educational Qualifications Obtained	Respondents	Percentage%
Bachelor of Social Work Degree (BSW)	18	100%
Additional Honours Degrees in Social Work	12	66%
Masters' Degree in Social work (Masters)	2	18%

Table 1 indicates that all participants, eighteen (100%) had Bachelor of Social Work Degrees, twelve (66%) have additional Honours Degrees in Social Work and two (18%) had Masters Degrees in Social Work. However, the participants with additional Honours and Masters Degrees were in different fields such as social development, clinical social work and

probation and correctional practice. This shows that 100% were the dominant participants with Bachelor of Social Work Degrees, more than half had additional Honours Degrees in Social Work and very few had Masters Degrees in Social Work.

#### **4.1.4 Job titles of participants**

The job titles of participants are presented to show the reader the social workers who participated in the study. Table 2 below shows the job titles of the participants.

**Table 2: Job titles**

Job titles	Number of participants	Percentage (%)
Social workers	12	65%
Chief social worker	1	7%
Probation officer	1	7%
Project coordinator	1	7%
VEC coordinator	1	7%
Regional VEC coordinator	1	7%
TOTAL	18	100%

Out of the 18 participants, more than half of the participants, twelve (65%) were social workers, one (7%) was a chief social worker, one (7%) was a probation officer carrying out duties of a forensic social worker, one (7%) was a regional VEC coordinator carrying out the duties of a forensic social worker, one (7%) was a VEC coordinator and one (7%) is a project coordinator also practicing as a forensic social worker. This shows that although all of the participants were social workers, they have different job titles as all of them had Social Work Degrees.

#### **4.1.4 The main duties of participants in relation to their job titles**

The main duties of participants are presented in this section, in relation to their job titles so as to assess whether the duties carried out are relevant for forensic social work. The main duties are presented in Table 3 on the next page.

**Table 3: Main Duties**

RESPONDENTS	MAIN DUTIES IN RELATION TO PARTICIPANTS JOB TITLES							
	Report writing	Supervision Services	Assessment	Therapy Services	Planning, development and training	Conducting forensic interviews	Expert witnesses	investigation
1 social worker	X	X	X	X			X	
2 Chief social worker		X	X	X	X			
3 Social worker	X	X	X	X				
4 Social worker	X			X		X		
5 Social worker	X		X	X			X	
6 Social worker	X		X				X	X
7 Social worker	X		X			X	X	X
8 Regional VEC Coordinator	X	X						X
9 Social worker	X	X	X				X	X
10 Probation officer	X	X	X				X	X
11 Social worker	X	X	X			X	X	
12 Project coordinator	X	X	X					
13 Social worker	X	X		X			X	
14 VEC Coordinator	X	X						X
15 Social worker	X	X	X				X	X
16 Social worker	X	X	X		X			
17 Social worker	X		X			X		
18 Social worker	X	X	X	X			X	X
TOTAL 100%	85%	65%	70%	35%	10%	20%	55%	40%



The main duties carried out by the participants in their current positions are indicated in Table 3 above and show that of the 18 participants, all but one participant 17 (85%) write reports; a significantly high proportion of the participants 14 (70%) carry out assessments of victims and offenders; 13 (65%) offer supervision services; 10 (55%) act as expert witnesses in court; 8 (40%) carry out investigations; 7 (35%) offer therapeutic services to victims; 4 (20%) conduct forensic interviews; 2 (10%) plan, development and train; 2 (10%) monitor victim empowerment centres and 2 (10%) link victim empowerment centres with various stakeholders.

The findings indicate that more than half of the participants write reports, offer supervision services, offer assessment services and act as expert witnesses. However, it is important to note that report writing was the most dominant duty carried out by participants. A lesser proportion of the participants carry out investigations, offer therapeutic services, conduct forensic interviews and monitor victim empowerment centres. It would seem to the author that it is a concern as the duties carried out by the social workers are divided. All social workers practicing forensic social work should have the same role specifications.

#### **4.1.5 Participants work experience in forensic social work**

The participants work experience is presented in this section to give the reader an overview about how experienced participants are in practicing forensic social work. It would seem to the author that more years of experience meant that participants were more equipped and understood forensic social work practice better than participants with less years of experience.

**Table 4: Years of participants working experience**

YEARS OF PRACTICE	NUMBER OF PARTICIPANTS	YEARS OF EXPERIENCE IN PERCENTAGE%
0-3	10	55%
3-5	5	30%
6-10	2	11%
20+	1	4%
TOTAL	18	100%

More than half, that is, ten (55%) had between 0-3 years of experience in forensic social work practice. Five, (30%) of the participants had between 3-5 years' experience. Two (11%) had between 6-10 years' experience and one (4%) had 20 or more years. The years of participants work experience ranged from 0-20 years and above. The interval of 0-3 years (55%) was the most dominant showing that participants have little experience in forensic social work practice. It would seem to the author that participants had little years of experience practicing forensic social work as more than half of the participants only had 0-3 years of experience. This meant that forensic social work is still a developing field in South Africa.

#### **4.2 Themes in relation to the research objectives**

The next discussion on the analysis of the research data is in accordance with the main research objectives. The main research objectives were to determine the following:

- What pieces of legislation forensic social work practitioners need to be acquainted with to be able to practice forensic social work competently in South Africa?
- What policies do forensic social work practitioners need to be familiar with to be able to practice forensic social work competently in South Africa?
- What knowledge forensic social work practitioners need to be familiar with to be able to competently practice forensic social work in South Africa?
- What specialised skills are necessary for forensic social work practitioners to be able to competently practice forensic social work in South Africa?
- What challenges do forensic social work practitioners experience when practicing forensic social work in South Africa?
- What recommendations forensic social work practitioners propose for advancing the field of forensic social work practice in South Africa?

##### **4.2.1 Participants perceptions on legislation relevant to forensic social work practice**

Familiarity and understanding of legislation is vital for forensic social work practice. This is essential as participants act as expert witnesses and present evidence in court and forensic social work practice deals with legal aspects. All of the participants (100%) strongly agreed that forensic social workers need to be acquainted with legislation to be able to competently practice forensic social work in South Africa. The importance of understanding legislation in

forensic social work practice is reflected in the following direct quotations from the participants:

*“The forensic social worker will attend before a court and must be able to know what sections and Acts he is working with and referring to”*(**Participant 4**).

*“Legislation helps in determining course of action or to determine if child was sexually abused”* (**Participant 1**).

*“Forensic social work is a field of social work that deals with legal issues. Hence one cannot practice forensic social work without taking legislation into consideration”* (**Participant 18**).

The findings show that participants understand the importance of legislation in forensic social work practice. According to Barsky (2011) understanding legislation is very important when practicing forensic social work because forensic social workers should know the rights and responsibilities of their clients in order to provide expert services. Table 5 below shows the pieces of legislation that the participants were familiar with.

#### **4.2.1.1 Pieces of legislation participants were familiar with**

Legislation is important in forensic social work practice in South Africa as it guides forensic social work practitioners' application of legislation to their practice. Table 5 below presents different pieces of legislation relevant to forensic social work practice in South Africa the participants were familiar with.

**Table 5: Legislation which participants were familiar with**

LEGISLATION	PARTICIPANTS FAMILIAR WITH LEGISLATION IN %
Constitution of the Republic of South Africa Act 108 Of 1996	65%
Social Services Act 110 of 1978	60%
Criminal Procedure Act 51 of 1977	90%
Law of Evidence and Amendment Act 45 of 1998	30%
Domestic Violence Act 116 of 1998	85%
Sexual Offences and Related Matters Amendment Act 32 of 2007	95%
Child Justice Act 75 of 2008	95%

Table 5 above indicates that more than three quarters, 17 participants (95%) were familiar with the both the Sexual offences and Related Amendment Act 32 of 2007 and the Child Justice Act 75 of 2008. The next highest proportion of participants, sixteen (90%) were familiar with the Criminal Procedure Act 51 of 1977 whilst fifteen (85%) were familiar with the Domestic Violence Act 116 of 1998.

The research data shows that more than half, eleven participants (65%) of the participants were familiar with the Constitution of the Republic of South Africa Act 108 Of 1996. Ten participants (60%) were familiar with the Social Services Act 110 of 1978. Half of the participants (50%) were familiar with the Victim Charter of 1996 meaning that the other half was not familiar with the Victim Charter of 1996. However, less than half, four participants (30%) were familiar with the Law of Evidence and Amendment Act 45 of 1998 which caters for the presentation of evidence in courts of law.

The findings show that participants were familiar with a considerable amount of legislation, although some lacked knowledge on other legislation. It would seem to the author that it is a concern that all participants were not familiar with all legislation as legislation is important in forensic social work practice. The authors concern is supported by Jaqui (2011) who states that familiarity with legislation is important in forensic social work practice as it assists

practitioners in the implementation process. For example, the Social services Act 110 of 1978 is important because it guides and regulates forensic social workers when carrying out their daily duties (SACSSP, 2008). However, the Children's Act 38 of 2005 was omitted from table 5 as the author had already conducted the research from Gauteng Province and had already calculated the results.

#### **4.2.2 Implementation of legislation in forensic social work practice**

Implementation is the enforcement of law in forensic social work practice. Applying legislation in forensic social work practice in South Africa is important because forensic social work practitioners are guided by legislation when acting as licensed practitioners. In response to the questions asked to participants there were mixed responses.

Some of those who rated themselves as good, (65%) stated that:

*"I have a good understanding of implementation of each act"* **(Participant 2).**

*"These legislation provide guidance, protocols, procedures and expectations of social workers doing forensic social work and I therefore regard myself as having a good understanding of legislation"* **(Participant 1).**

Those who rated themselves as average (22%) had the following to say:

*"I have an average understanding of legislation and would like to learn more about legislation"* **(Participant 5).**

*"In my report i am able to incorporate these pieces of legislation with an average understanding"* **(Participant 4).**

One (6%) participant who rated himself as excellent stated that:

*"I received training on legislation application and implementation and i know exactly which terms to use when compiling the reports"* **(Participant 12).**

One (6%) participant who rated herself as poor stated that:

*“It is difficult for me to implement legislation as I am not familiar with most legislation” (Participant 8).*

The research data seems to suggest that participants had a basic understanding on how they must apply legislation in forensic social work practice. Legislation is vital to forensic social work practice as it guides and regulates forensic social workers in implementation of legislation to competently practice forensic social work in South Africa. It would seem to the author that it is of concern that some participants were familiar with implementing legislation and some were not. The authors concern is supported by Maschi et al (2011) who found that familiarity with legislation improves the participants’ knowledge on how to implement, for example, the principles of the Constitution of the Republic of South Africa Act 108 of 1996 to forensic social work effectively and correctly through advancing human rights as discussed in Chapter 2.

#### **4.3 Policies relevant for forensic social work practice**

Understanding policies relevant for forensic social work is important for practitioners as this guides them when engaging with offenders and victims. In response to the questions asked to participants there were mixed responses. Table 6 below shows the percentages of respondents who were either familiar with the White Paper on Social Welfare of 1977 or the National Policy Guidelines on Victim Empowerment.

**Table 6: Policies respondents’ are familiar with**

Policies relevant for forensic social work	Respondents familiar with legislation%
Victim Charter of 1996	80%
White Paper on Social Welfare of 1977	65 %
National Policy Guidelines on Victim Empowerment	40 %

More than half (80%) of the participants were familiar with the Victim Charter (1966) and stated that:

*“The Victim Charter provides a foundation for looking after and serving victims of crime” (Participant 1).*

*“Protection of victims from harm, respecting their rights and serving and caring for victims is part of South African Law” (Participant 3).*

*“Victims of rape, sexual assault and abuse should be respected and this falls under the principles of the Victim Charter” (Participant 8).*

More than half (65%) of the participants were also familiar with the White Paper on Social Welfare of 1977 and stated that:

*“Because policies provide guidelines in terms of sentencing and placement” (Participant 6).*

*“National policies often shed light on rights and responsibilities of victims, offenders and designated professionals such as the White Paper on Social Welfare” (Participant 9).*

*“The White Paper on Social Welfare (1977) enforces the rules and regulations to be followed” (Participant 14).*

Less than half (40%) of the participants were familiar with the National Policy Guidelines on Victim Empowerment and stated that:

*“I have never been trained in the policies relevant for forensic social work but am familiar with the National Policy Guidelines on Victim Empowerment” (Participant 16).*

*“I am still in the process of learning to integrate theory with practice” (Participant 18).*

The findings show that more than half (80%) of the participants were familiar with the Victim Charter of 1996 meaning that (20%) were not familiar with the Charter. More than half (65%) of the participants were also familiar with the White Paper on Social Welfare of 1977 meaning that (35%) were not familiar with the policy. Less than half (40%) of the

participants were familiar with the National Policy Guidelines on Victim Empowerment meaning that more than half (60%) lacked in depth knowledge. This indicates that most of the participants knew more about the Victim Charter of 1996 and the White Paper on Social Welfare of 1977 than the National Policy Guidelines on Victim Empowerment. It would seem to the author that it is a concern that some participants were not familiar with some policies but were familiar with others as policies are relevant for forensic social work practice. The authors concern is supported by Meyer (1999) who found that policies are important to the practice. Social workers should be acquainted with the policies relevant for forensic social work practice by receiving expert training which will equip them with the specialized skills and knowledge to competently practice as forensic social workers (Meyer, 1999).

#### **4.4 Knowledge relevant for forensic social work practice**

Knowledge is relevant for forensic social work to be practiced competently in South Africa. This section presents research data on knowledge the definition of forensic social work; legal aspects; criminal justice system courtroom procedures and knowledge required by forensic social workers to act as expert witnesses in court.

All of the participants (100%) agreed that they should be familiar with knowledge to be able to competently practice forensic social work in South Africa. Some responses given by the participants are stated below:

*“Knowledge helps us to be able to provide a professional, non-bias and ethical service to the victim and the courts. It enables us to provide expert testimony, risk assessment and to be able to deal with critical issues”*  
**(Participant 11).**

*“In order for a social worker to be able to practice any type of social work they need relevant knowledge and skills so that they can be effective in their intervention”* **(Participant 17).**

*“Forensic social work is a specialized field that needs effective training so as to advance our understanding of theoretical knowledge”***(Participant 8).**



The responses reflect that knowledge is important in forensic social work practice. This finding is supported by Bruck and Speed (1995) who found that forensic social workers need specialized knowledge in human rights; criminal justice and legal aspects; restorative justice; therapeutic jurisprudence; knowledge on courtroom procedures and legal regulation so that clients are protected and served in accordance with the law as discussed in Chapter 2.

#### **4.4.1 Knowledge on the definition of forensic social work**

The definition of forensic social work in South Africa is developing as forensic social work practice is an emerging field. In response to the questions asked to participants, there were mixed responses.

Some of those who rated themselves as good (44%) stated that:

*“Forensic social work is a combination of both law and social work”*  
**(Participant 18).**

*“The definition of forensic social work is that it is how a forensic social worker applies legislation and policies to both law and social work to deal with social problems* **(Participant 13)”**.

Those who rated themselves as excellent (34%) stated that:

*“Forensic Social Work is knowledge with the law and social work so you need to familiarise yourself with legislation and policies”* **(Participant 10).**

*“I know that forensic social work is a specialized field that works hand in hand with the legal system, to provide the legal system with evidence”***(Participant 4).**

(11%) rated their knowledge to be average and stated that:

*“I am familiar with the term forensic social work as it is basically a subgroup of social work”* **(Participant 9).**

(11%) rated their knowledge to be poor and stated that:

*“I understand what the term forensic social work but I need to learn more of its definition as I understand currently in South Africa it is still being introduced”*(Participant 11).

The research data shows that participants had a good idea of what forensic social work is but some still lacked a clear definition of forensic social work as it is not clearly defined in the South African context. It would seem to the author that this is of major concern as forensic social work practitioners must have an understanding of the term forensic social work since respondents’ practice forensic social work. However, according to Roberts and Bronwell (1999), forensic social work defined in terms of the specialized skills and knowledge required to practice it, is the policies, practices, and social work roles with juveniles and adult offenders and victims of crime as discussed in Chapter 2.

#### **4.4.2 Knowledge on legal aspects**

Legal aspects are very important when it comes to competently practicing forensic social work in South Africa. Forensic social workers must have knowledge on legal aspects as they come into contact with the law most of the time. In response to the questions asked to participants, there were mixed responses.

Some who rated themselves as good (77%) stated that:

*“Legal aspects are relevant because when assessing victims and offenders, legislation on Social Services Act(110 of 1978) guides us to respect clients and carry out our duties effectively”*(Participant 17).

*“Understanding legal aspects is about following and respecting the law in terms of forensic social work practice”*(Participant 1).

Those who rated themselves as excellent (11%) stated that:

*“I have a better understanding on the legal aspects required to practice forensic social work because of the training workshop that i attended”*  
**(Participant 2).**

*“The court requires expertise in legal aspects so forensic social workers need to understand legal aspects so that they can effectively carry out their duties when presenting victim impact and background for courts”* **(Participant10).**

One participant (6%) who rated his knowledge as average stated that:

*“I am a social worker and am still getting to know about legal aspects through practicing forensic social work”* **(Participant 11).**

One participant (6%) who rated her knowledge as poor stated that:

*“Legal aspects are difficult to understand as there are no proper guidelines to follow when practicing forensics as I am more familiar with issues of Victim Empowerment Centres”***(Participant 8).**

The findings show that more than half (77%) of the participants were familiar with knowledge on legal aspects required for forensic social work. However, a lesser extent of the participants did not have a clear understanding of legal aspects. It would seem to the author that it is a concern that (23%) of the participants did not have adequate knowledge on legal aspects as forensic social work practice is a combination of both law and social work. The authors concern is supported by the National Organization for Forensic Social Work (2013), who found that professionals practicing forensic social work should attend legal courses as electives to provide a learning foundation which will educate them on what is legally required in forensic social work practice as discussed in Chapter 2.

#### **4.4.3 Knowledge on the criminal justice system**

The criminal justice has a set of procedures in which it operates in line with provisions of the CPA. Therefore forensic social workers need to understand the criminal justice system. In response to the questions asked to participants, there were mixed responses.

Some who rated themselves as good (56%) stated that:

*“The criminal justice system is a system in South Africa that deals with crime. The system may include courts of law and police” (Participant 14).*

*“Yes, when working with children in conflict with the law, you need to reason and also carry out investigations including the forensic reports so understanding knowledge on the criminal justice system is essential” (Participant 7).*

Those who rated themselves as average (22%) stated that:

*“Currently I understand what crime or violence means and the criminal justice in terms of proving a person innocent or guilty but I still lack the clear definition of what the criminal justice system is” (Participant 12).*

Those who rated themselves as poor (22%) stated that:

*“My understanding of the criminal justice system is poor but I am still willing to learn” (Participant 18).*

The research data shows that more than half (56%) of the participants had a good understanding of what the criminal justice system is. However, the research data also shows that some participants lacked in depth knowledge of what the criminal justice system is. It would seem to the author that knowledge on the criminal justice system should be made familiar to all practitioners as this is very important in forensic social work practice. The authors concern is supported by the National Organization for Forensic Social Work (2013) which found that social workers practicing forensic social work should be schooled in criminal justice courses and know that the criminal justice system has three components which are the police, courts and corrections as discussed in Chapter 2.

#### **4.4.4 Knowledge on courtroom procedures**

Understanding the protocol on courtroom procedures in forensic social work is very essential as this show the professionalism of forensic social work practitioners. In response to the questions asked to participants, there were mixed responses.

Some who rated themselves as good (66%) stated that:

*“When you are in court you need to present yourself well practically to magistrates” (Participant 5).*

*“I have a good understanding of courtroom procedures as I have experience in attending court” (Participant 2).*

Those who rated themselves as excellent (11%) stated that:

*“I understand how to compile and present my report in court and how to answer questions when i am cross examined in court and to give evidence and expert testimony”(Participant 6).*

*“I have knowledge on court room procedures as I understand that I need to follow the instructions of the magistrate and approach the court in a dignified manner with respect” (Participant 10).*

Those who rated themselves as average (16%) stated that:

*“I am very nervous when I enter the courtroom but I know the procedures to follow” (Participant 15).*

*“I lack the confidence when I am presenting in court because I am not sure if I am doing the right thing in court” (Participant 14).*

One (7%) who rated his knowledge as poor stated that:

*“It is difficult for me to know what to do in court as I am not sure on what the magistrates expect of me”(Participant 8).*

The research data shows that more than half of participants had a good understanding of the term courtroom procedures and the duties that they are expected to do in court. However, some participants lacked confidence and feared the court. It would seem to the author that it is a concern that some participants had inadequate knowledge on courtroom procedures, lack confidence and fear the court. The authors concern is supported by Gxubane and Holtzhausen (2012), who found that social workers should be aware of the processes which occur in courts so that they are professional, confident and are seen as experts by magistrates, judges and prosecutors.

#### **4.4.5 Knowledge required to act as an expert witnesses in court**

The role of an expert witness in court is to give evidence of the victims or offenders case. Therefore forensic social work practitioners require expert knowledge on acting as an expert witness. In response to the questions asked to participants, there were mixed responses.

More than half (65%) who rated themselves as good stated that:

*“I believe that clients must be assessed before entering court and should be briefed on my duties as an expert witness in court and how the client should behave in court”***(Participant 6).**

*“I believe that my knowledge on acting as an expert witness is good”***(Participant 7).**

Some who rated themselves as excellent (15%) stated that:

*“When acting as an expert witness you need to be precise, present yourself in an excellent manner and have a good written report”***(Participant 5).**

*“Evidence is required in court when acting as an expert witness, so i make sure that my facts are not biased when in court”* **(Participant 1).**

Those who rated themselves as average (10%) stated that:

*“Sometimes legal practitioners ask questions that are out of context and not relevant and out of our profession as social workers who practice forensic social work so it is difficult to answer but we try”***(Participant 2).**

Those who rated themselves as poor (10%) regarded their knowledge as poor stated that:

*“Expert witnesses are undermined in court by prosecutors so it is difficult for me to understand if i am doing or saying the right or the wrong thing”***(Participant 8).**

The findings show that most participants have knowledge required to act as an expert witness in court. However, it would seem to the author that legal professionals such as prosecutors and magistrates undermine participants’ authority and do not take them seriously. According to the National Organization of Forensic Social Work (2013) an expert witness in court

should be confident, maintain composure and information presented and compiled should be detailed and meet legal expectations as discussed in Chapter 2.

#### **4.5 Specialized skills necessary for forensic social work**

Specialized skills are necessary for forensic social work to be practiced competently in South Africa. This section presents research data on specialized skills such as the language used in court; writing skills, communication and engagement skills and professionalism.

All (100%) of the participants agreed that social workers require specialized skills to be able to competently practice forensic social work in South Africa.

In response to the questions asked to participants, responses are stated below:

*“Forensic social workers need specialized skills to improve their social functioning, collaborate with other clients and other professionals within and across various fields” (Participant 1).*

*“Forensic social work is a specialized field and needs specialized skills in order to perform services effectively” (Participant 5).*

*“Skills are essential in interviewing children and victims so that rich information is obtained so as to be able to compile a professional and non-biased report” (Participant 10).*

*“Generally social workers in South Africa do generic practice; however, with forensic social work skill is needed to be able to interview children accordingly and to get appropriate evidence” (Participant 14).*

It is evident from the above responses that specialized skills are important for forensic social work. This is supported by Vass (1996), who found that skilled people should have or show skills, must be highly trained or experienced for work requiring, in this case, the practice of forensic social work as discussed in Chapter 2.

#### 4.5.1 Specialized skill of the language used in court

Language used in forensic social work is very important as forensic social work practitioners address themselves to people of high standing such as magistrates and judges. In response to the questions asked to participants, there were mixed responses.

Some of those who rated themselves as good (66%) stated that:

*“As i have been practicing as a probation officer for a few years i am familiar with the terms used in court” (Participant 10).*

*“In social work, social workers stand in court and therefore must understand the language in court” (Participant 2).*

Those who rated themselves as average (22%) stated that:

*“Although i try to respond with respect and professionally, i always do not know if i have given the best response” (Participant 5).*

One (6%) participant who rated her skill of the as excellent stated that:

*“I am familiar with the language as i know how i am expected to respond when asked and when i am presenting in court” (Participant 6).*

One (6%) participant who rated her skill as poor stated that:

*“I still need to learn more about what to say when I am presenting in court and talking to the magistrate” (Participant 11).*

The research data shows that participants had a good understanding of the language used in court as more than half (65%) of the participants rated themselves as good. However, the participants were sometimes confused on whether they had used the appropriate language that the courts require. It would seem to the author that it is a concern that some participants were not confident in the language used in court as language is required in forensic social work practice. The authors concern is supported by Rosenberg (2009), who found that the language



used in courts of law, should be respectable and clearly understood by magistrates and judges as discussed in Chapter 2.

#### **4.5.2 Specialized writing skills**

Writing skills are a very important tool for forensic social work practitioners as they write reports for the courts. In response to the questions asked to participants, there were mixed responses.

Half of the participants (50%) who regarded their writing skill as good stated that:

*“Following the workshop, new skills were acquired to write and compile information and to write a comprehensive report” (Participant 8).*

*“Specialized writing skills are essential because a lot of information is written on the report concerning the client” (Participant 10).*

*“I have become acquainted with a lot of literature and research material because of the training workshop which has helped me to adopt a better style in report writing” (Participant 16).*

Those who rated themselves as excellent (30%) stated that:

*“Report writing is a very important skill in my work because excellent writing skills contribute to the production of excellent reports” (Participant 5).*

*“My written report should be clear so that the magistrates get correct information regarding the victim or offender” (Participant 7).*

Those who rated themselves as average (11%) stated that:

*“I am familiar with report writing but I need to learn more of how I should put my ideas across when writing the report because sometimes I get too much information” (Participant 14).*

One (9%) rated his skill as poor and stated that:

*“I usually do not write reports because my subordinates do that” (Participant 2).*

The findings show that most of the participants had a good understanding of writing skills. However, a lesser amount of participants must improve in their writing skills. It would seem to the author that it is a concern that some participants were not able to apply their writing skills appropriately as participants come into contact with different professionals, victims and offenders. The authors concern is supported by Mele (2009) who states that writing skills are very important skills relevant for forensic social work practice. This is because effective writing skills lead to compilation of accurate reports and recommendations used by magistrates to verify victims and offenders' psychosocial issues and social problems as discussed in Chapter 2.

#### **4.5.3 Specialized communication and engagement skills**

Communication and engagement skills are necessary to competently practice forensic social work as forensic social work practitioners come into contact with victims, offenders and members of the legal profession. In response to the questions asked to participants, there were mixed responses.

Some of the participants who rated themselves as good (50%) stated that:

*“One important part of the social work role is to ensure that rapport and trust is built between the social worker and client to enable information to be disclosed”***(Participant 1).**

*“I have good interpersonal skills and with the acquired knowledge from the workshop, i will be able to communicate and engage more effectively with clients”* **(Participant 4).**

Those who rated themselves as excellent (42%) stated that:

*“Specialized engagement communication and engagement skills assist me in accessing victims' information from other professionals and victims' families so that I get a clear background of the victim”***(Participant 9).**

One (4%) who rated herself as average stated that:

*“I am a shy person and it is difficult for me to communicate and engage with people but I try” (Participant 15).*

One (4%) who rated herself as poor stated that:

*“Engaging with people from different backgrounds is difficult because I do not know them and they do not know me” (Participant 17).*

The research data shows that half (50%) of the participants had good communication and engagement skills and (42%) had excellent communication skills. Only a few participants had average and poor communication and engagement skills. It would seem to the author that communication and engagement skills are important to participants as they meet different professionals and clients. The authors concern is supported by Mele (2009) who found that good communication and engagement skills contribute immensely to the collaboration of forensic social workers with clients and other professionals such as attorneys and public prosecutors.

#### **4.5.4 Professionalism as a specialized skill**

Professionalism is one’s ability to conduct him or herself in a professional and respectable manner. Forensic social work practitioners need to be professional as they act as expert witnesses in courts of law and collaborate with different professionals. In response to the questions asked to participants, there were mixed responses

Some of the participants who rated themselves as good (55%) stated that:

*“I take pride in my work and always strive to be professional” (Participant 1).*

*“The testimony and credibility of the expert witness can be influenced by the professionalism and the first impression of the forensic social worker” (Participant 3).*

Those who rated themselves as average (45%) stated that:

*“I am able to work with other professionals in court such as prosecutors and conduct myself in a professional way in court” (Participant 7).*

One (5%) who rated his conduct of professionalism as poor stated that:

*“I am still to learn about professionalism and how I should apply myself when dealing with people as forensic social work is still new”* **(Participant 18).**

The research data shows that more than half (55%) considered themselves as professionals. It would seem that the dominant parts of participants’ were professional, however, a lesser percentage (45%) of the participants was professional and only one respondent (5%) was very unprofessional. It would seem to the author that professionalism is very high on participants and this is supported by Mele (2009), who states that professionalism amongst forensic social workers defines who they are and professionalism portrays forensic social workers as confident experts in their field of practice as discussed in Chapter 2.

#### **4.6 Challenges experienced by participants’**

The participants experienced challenges when carrying out their forensic social work duties in South Africa. The main challenges which were faced by participants were lack of resources; undermining of participants by other professionals; adoption of international standards; registration, specification on roles and lack of collaboration with other professionals. The challenges are discussed below:

##### **4.6.1 Lack of resources**

A glaring finding is participants lack resources to effectively carry out their duties. They do not have the full forensic kit for collecting evidence, cameras and video tapes. Some Non-Governmental Organisations who employ forensic social workers are poorly resourced and this compromise the credibility of information obtained.

In response to the questions asked to participants, some of the responses are stated below:

*“The resources like the full forensic kit which will help in collecting evidence are not available”* **(Participant 6).**

*“There is lack of equipment for us to carry out our duties effectively”* **(Participant 9).**

*“Some Non-governmental organisations who employ forensic social workers are poorly resourced and this compromises the credibility of information obtained” (Participant 14).*

The research data shows that shortages of equipment and tools and together with low remuneration all had a negative impact on the practice itself. It would seem to the author that it is a concern that participants lacked adequate resources as resources are essential for respondents to competently practice forensic social work. The authors concern is supported by Branson and Baker (1993), who found that the extent of which forensic social workers can practice forensic social work is limited because of shortage of resources as discussed in Chapter 2.

#### **4.6.2 Undermining of participants by other professionals**

The research data shows that prosecuting authorities, lawyers, magistrates and defence attorneys do not recognize the practice of forensic social work and the skills and knowledge that forensic social workers contribute to the criminal justice system. Prosecutors want to tell the social workers who practice forensic social work how to write their reports and undermine their expertise and overrule their opinions.

In response to the questions asked to participants, some responses are stated below:

*“There is under recognition of professionals in court” (Participant 1).*

*“Magistrates and public prosecutors do not take us seriously in courts of law” (Participant 5).*

It would seem to the author that it is a concern that legal authorities undermine participants as legal authorities must work hand in hand with participants. The authors concern is supported by Rosenberg (2009) who found that out that legal authorities such as prosecutors and magistrates are not well versed in the practice and they do not recognize the importance of forensic social workers and the positive impact they can have on assisting victims and promoting conviction rates as well as assisting the legal authorities on provision of evidence and recommendations (Rosenberg, 2009).

#### **4.6.3 Adoption of International standards**

The research data shows that forensic social work practice in South Africa usually adopts international standards; the practice in South Africa does not have its own standards and protocols to follow when engaging with victims.

In response to questions asked to participants, a view of one of the respondents is stated below:

*“The best practice models are based on UK practices and implementing such models in South African communities is a challenge due to diversity in culture, socio-economic conditions, and political, environmental and complex social problems” (Participant 10).*

The findings indicate that international standards are mostly used in forensic social work practice in South Africa. It would seem to the author that international standards are mostly used because forensic social work is still developing in South Africa. This is supported by Maschi et al (2009) who found that forensic social work is an old discipline which emerged in the United States and the United Kingdom in late 19<sup>th</sup> century. Therefore international standards are mostly used for forensic social work practice in South Africa as forensic social work is still developing and national standards should be developed and used.

#### **4.6.4 Registration**

The findings further show that participants are not registered as forensic social workers by the SACSSP. This is a challenge because the social workers are not licenced to practice forensic social work in South Africa. This makes it difficult for the participants to be recognized and treated as forensic social work professionals especially when in court and when participants engage with other legal professionals.

In response to the questions asked to participants, a view of one of the respondents is stated below:

*“We are not registered as forensic social workers by the SACSSP as forensic social work is still a developing field in South Africa. This makes it difficult for us to be recognized and to act as professionals” (Participant 4).*

It would seem to the author that this is a concern as registration is very important when practicing forensic social work. Without registration social workers practicing forensic social work cannot be identified by other professionals. The authors concern is supported by Ludwig (2007) who found that social workers who practice forensic social work cannot be given the title of “forensic social worker” in South Africa as they are not registered by the SACSSP.

#### **4.6.5 Role specification**

Social workers from different backgrounds practice forensic social work and are allocated roles and duties not defined in their current positions. This was a challenge because there are no clear guidelines to follow when practicing as a forensic social worker in South Africa.

In response to the questions asked to participants, a view of one of the respondents is stated below:

*“There is no clear policy or legislation stating who should perform the forensic social work service, for example clinical social workers or probation officers are allocated the tasks of forensic social workers and are not trained”*  
**(Participant 10).**

The findings indicate that in South Africa, there are no clear guidelines for forensic social work role specification. It would seem to the author that it is a concern as participants cannot follow a clear pattern on their duties and this creates confusion as the participants have a lot of work to do which slows down the completion of cases. The authors concern is supported by Baker and Branson (1993) who found that forensic social workers have high caseloads because only a few social workers and other professionals practice forensic social work and this can be noted in South Africa.

#### **4.6.5 Lack of collaboration with other professionals**

The findings further show that other professionals such as police officers and investigating officers are not always willing to form a team with participants. In response to questions asked to participants one participant stated that:

*“Prosecutors and investigating officers are not always willing to form part of a team” (Participant 1).*

It would seem to the author that this is of concern as conviction rates are reduced as working with a multi-disciplinary team is a challenge. In South Africa, the practice of forensic social work is being underutilized by the Criminal Justice System and SAPS. The authors concern is supported by Maschi et al (2009) who found that forensic social workers must be able to negotiate and connect with other individuals. This includes professionals from the criminal justice system and civil justice who may have important information on an offender or victim.

#### **4.7 Conclusion**

The findings in this chapter were provided to give the reader a better picture of the background of participants. However, this was not the focus of the study. The main focus of presenting and analysing research data collected was to educate the reader on the specialized skills and knowledge required for forensic social work practice in South Africa. The final chapter is the conclusions and recommendations of the study.



## **Chapter 5: CONCLUSIONS AND RECOMMENDATIONS OF THE STUDY**

### **5.1 Introduction**

The primary aim of the study was to investigate the specialized skills and knowledge required for forensic social work practice in South Africa. The main conclusions and recommendations were generated from the findings of the study which were informed by the main research objectives. The main research objectives were to determine the following:

1. What pieces of legislation forensic social work practitioners need to be acquainted with to be able to practice forensic social work competently in South Africa?
2. What policies do forensic social work practitioners need to be familiar with to be able to practice forensic social work competently in South Africa?
3. What knowledge forensic social work practitioners need to be familiar with to be able to competently practice forensic social work in South Africa?
4. What specialised skills are necessary for forensic social work practitioners to be able to competently practice forensic social work in South Africa?
5. What challenges do forensic social work practitioners experience when practicing forensic social work in South Africa?
6. What recommendations forensic social work practitioners propose for advancing the field of forensic social work practice in South Africa?

Each conclusion is followed by recommendations.

### **5.2 Legislation relevant for forensic social work**

The participants that took part in the study represented generic social workers from different backgrounds and therefore the results can be drawn from a variety of social work professionals practicing forensic social work in South Africa. The findings indicate that knowledge on legislation is very important in forensic social work practice in South Africa. Participants' knowledge of legislation was found to be inadequate. The participants knew about some legislation but were not fully aware of others. Therefore it is difficult for forensic social work practitioners to apply legislation to their practice. The author recommended the following:

## **Recommendations**

- SAPS where social workers practicing forensic social work are employed such as the Child Protection Unit should provide handbooks with legislation relevant for forensic social work practice in South Africa to forensic social workers.
- In service training should be provided by all the provincial Departments of Social Development in South Africa to social workers practicing forensic social work on legislation as well as on how they should implement legislation to the practice.
- Forensic social work practitioners should be exposed to a system of continuous training by the National Department of Social Development in South Africa. Forensic social work training workshops should be sponsored at least two times a year. Training should include literature research and presentations of best practice models. It is imperative that forensic social workers are adequately trained in legislation and its application.

### **5.2.1 Policies relevant for forensic social work**

The findings indicate that policies relevant for forensic social work are very important in forensic social work practice in South Africa. Social workers practicing forensic social work lack adequate knowledge on policies relevant for forensic social work. Some participants knew about some policies but others had no idea of other policies. The author recommended the following:

## **Recommendations**

- Policies relevant for forensic social work such as the White Paper on Social Welfare of 1977, the National Policy Guidelines on Victim Empowerment and the Victim Charter of 1996 should be included in the rules and regulations made by the SACSSP.

### **5.2.2 Knowledge relevant for forensic social work**

The findings in this study indicate that knowledge relevant for forensic social work practice is very essential. Without this knowledge, forensic social work practitioners cannot competently practice forensic social work in South Africa. If participants and other legal authorities are

not exposed to knowledge, they cannot become experts in the field of forensic social work practice. The author recommended the following:

### **Recommendations**

- Members of the legal profession such as magistrates, prosecutors and the respondents should be educated by SACSSP on the definition of forensic social work and what it entails. Hand outs of the definition of forensic social work and what it entails should be distributed to courts and institutions/ departments where participants are employed. This will make sure that the legal members have copies to follow when dealing with forensic social workers and practicing forensic social work.
- Forensic social workers in South Africa should be educated and should undergo further training on the knowledge required to practice forensic social work in South Africa. This education should come from the Provincial Departments of Social Development in South Africa. This knowledge should include further training and education on legal aspects, the criminal justice system, courtroom procedures and knowledge required to act as an expert witness in court. A training program can be developed for this purpose.

### **5.2.3 Specialized skills relevant for forensic social work**

It seems that from the findings, specialized skills are very important for forensic social work practice in South Africa. Without the specialized skills such as use of language in court; writing skills, communication and engagement skills and professionalism, forensic social workers cannot conduct their duties effectively. Some of the participants lacked adequate knowledge on the specialized writing skills which are important for forensic social work. Therefore the author recommended the following:

### **Recommendations**

- The National Department of Social Development in South Africa should expose social workers practicing forensic social work to more and constant training in the specialized skills. A training program can be developed for this purpose. It is imperative that forensic social workers are adequately trained in the specialized skills such as the language used in court.

- Supervision and consultation should form an integral part of the training process of specialized skills relevant for social workers practicing forensic social work in South Africa. This will enable forensic social work practitioners to ask questions and get advice about forensic social work practice from forensic social work trainers, consultants and facilitators.

#### **5.2.4 Challenges experienced by participants**

Understanding the challenges faced by social workers practicing forensic social work is necessary for South Africa to create solutions to overcome these challenges. The participants revealed that they face challenges in forensic social work practice. These challenges include lack of resources, being undermined by legal professionals, adoption of international standards, registration, role specification and lack of collaboration with other professionals. Therefore the author recommended the following:

#### **Recommendations**

- The National Department of Social Development and Government should fund the forensic social work program in South Africa. It should provide the forensic social workers with adequate resources such as forensic kits, cameras, tape recorders and cars just to name a few. Forensic social work cannot develop if resources are not available as the respondents cannot carry out their duties effectively.
- Forensic social workers should be taken seriously by magistrates, prosecutors and other legal professionals. The magistrates, prosecutors and other legal professionals should respect and not undermine forensic social work practitioners as they are experts on human development and psychosocial issues. Legal authorities should be educated by the National Department of Social Development and forensic social workers on the roles and responsibilities of forensic social workers and what they bring to the court.
- Forensic social work practitioners should be allocated similar and specific roles to conduct at institutions they are employed such as SAPS. These institutions include

both the private and public sectors which practice forensic social work. This will result in the decrease of caseloads and will lessen confusion.

- Other professionals such as the police should learn to work hand in hand with forensic social workers so as to make investigations easier. For example, SAPS should inform police officers that forensic social workers are part of their team and that it is compulsory for the police officers to cooperate with the forensic social workers.

### **5.3 Final conclusion**

The goal of the research was to investigate the specialized skills and knowledge required for forensic social work practice in South Africa. The author therefore can conclude that forensic social work is still developing in South Africa. Social workers have not received adequate training on the specialized skills and knowledge required for forensic social work practice, therefore a lot more still needs to be done. The author further recommended the following:

#### **Other recommendations**

- **Tertiary Education**

Tertiary institutions in South Africa should offer a postgraduate degree in forensic social work in order to educate students and social workers on forensic social work practice. The author recommends that the National Department of Social Development in South Africa collaborate with Universities such as the University of Cape Town and SACSSP and consider forensic social work as a specialist service.

- **Formal introduction of forensic social work**

The South African Council of Social Service Professions should formally introduce forensic social work as a specialized field of practice in South Africa. The National Department of Social Development should support, fund and attend to forensic social work practice. This will assist in provision of expert opinion in courts which will assist the courts and lead to higher conviction rates and finding solutions for social problems.

- **Further research**

The participants currently reside in Gauteng Province. Although they represent professionals practicing forensic social work in South Africa, the author recommends that a similar study should be undertaken in the other provinces of South Africa in order to gain a broader insight on forensic social work practice nationally in South Africa.

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## **ANNEXURES**

## Annexure 1: Participant consent form

**Title of Project:**

**Name of Researcher:**

**Participant Identification Number for this project:**

**Please initial box**

1. I confirm that I have read and understand the information sheet/letter (delete as applicable) dated *[insert date]* for the above project and have had the opportunity to ask questions. ☐
2. I understand that my participation is voluntary and that I am free to withdraw at any time without giving any reason. *Insert contact number here of lead researcher/member of research team (as appropriate).* ☐
3. I understand that my responses will be anonymised before analysis. I give permission for members of the research team to have access to my anonymised responses. ☐
4. I agree to take part in the above research project. ☐

\_\_\_\_\_  
Name of Participant  
(or legal representative)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name of person taking consent  
(if different from lead researcher)  
*To be signed and dated in presence of the participant*

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Lead Researcher  
*To be signed and dated in presence of the participant*

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

Copies:

*Once this has been signed by all parties the participant should receive a copy of the signed and dated participant consent form, the letter/pre-written script/information sheet and any other written information provided to the participants. A copy for the signed and dated consent form should be placed in the project's main record (e.g. a site file), which must be kept in a secure location.*



## **Annexure 2: Questionnaire**

Dear Participant

I am a student currently registered for a Master's Degree in Probation and Correctional Practice with the Department of Social Development, University of Cape Town. I am researching forensic social work practice in South Africa as part of the partial fulfilment of my Degree. The focus of my study is an investigation into the specialized skills and knowledge required for forensic social work practice in South Africa.

Please note that participation in this study is voluntary. All information obtained will be strictly confidential and you are not required to identify yourself by name. You are requested to be as honest as possible when responding to the questions asked in the interview. Please remember that this is not a test. There are no wrong or right answers. I am really only interested in what you think and your own experience. Your contribution towards the study will help provide a better understanding of the specialized skills and knowledge required for forensic social work practice in South Africa.

For you to have access to the findings of this study, a copy of the final research report will be made available to your organisation at the end of the study.

Thank you for your willingness to participate.

Martin Simbarashe Mangezi

**SECTION A: BIOGRAPHICAL DATA:**

**1. Please tick your correct age:**

<b>AGE BRACKET</b>	<b>18-25</b>	<b>25-35</b>	<b>35-45</b>	<b>45 and above</b>
------------------------	--------------	--------------	--------------	---------------------

**2. Please tick your correct gender:**

<b>GENDER</b>	<b>Male</b>	<b>Female</b>
---------------	-------------	---------------

**3. What is your highest educational qualification? Please tick and state your qualification:**

<b>HIGHEST EDUCATIONAL QUALIFICATION OBTAINED</b>	<b>DIPLOMA IN WHAT?</b>	
	<b>BACHELOR OF SOCIAL WORK DEGREE</b>	
	<b>ADDITIONAL HONORS DEGREE IN WHAT?</b>	
	<b>MASTERS DEGREE IN WHAT?</b>	
	<b>OTHER</b>	

**4. What is your Job title?**

<b>JOB TITLE</b>	
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**5. What are the five main duties in relation to your current position?**

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**6. Please tick years of experience you been in forensic social work?**

<b>0-3</b>	<b>3-5</b>	<b>6-10</b>
<b>11-15</b>	<b>16-20</b>	<b>20+</b>

**SECTION B: LEGISLATION RELEVANT FOR FORENSIC SOCIAL WORK PRACTICE:**

1. In your opinion, do you think forensic social workers need to be acquainted with legislation to be able to practice forensic social work competently in South Africa?

Agree	Strongly Agree	Disagree	Strongly disagree
-------	----------------	----------	-------------------

- 1.1.If you agree, explain why?

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.....

- 1.2.If you disagree, explain why?

.....

.....

.....

.....

2. What pieces of legislation in the table below are you familiar with which are required for forensic social work practice in South Africa? Please tick:

Constitution of the Republic of South Africa Act 108 Of 1996	
Social Services Act 110 of 1978	
Criminal Procedure Act 51 of 1977	
Law of Evidence and Amendment Act 45 of 1998	

Domestic Violence Act 116 of 1998	
Sexual offences and Related Matters Amendment Act 32 of 2007	
Victim Charter of 1996	
Child Justice Act 75 of 2008	

2.1. In your opinion how do you rate yourself when implementing and applying the above mentioned pieces of legislation to forensic social work practice in South Africa as:

Excellent	Good	Average	Poor	Very Poor
-----------	------	---------	------	-----------

2.2. Please explain why?

.....

.....

.....

**SECTION C: POLICIES RELEVANT FOR FORENSIC SOCIAL WORK PRACTICE:**

1. In your opinion do you think that forensic social workers need to be familiar with international and regional instruments to be able to practice forensic social work competently in South Africa?

Agree	Strongly Agree	Disagree	Strongly disagree
-------	----------------	----------	-------------------

1.1. If you agree, explain why?

.....

.....

.....

1.2. If you disagree, explain why?

.....

.....

.....

1.3. Please list two of each of the international and national instruments you are familiar with:

.....

.....

.....

.....

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1.4. Please give me three national policies you are familiar with relevant for forensic social work practice in South Africa?

.....

.....

.....

1.5. In your opinion, do you regard your understanding of national policies relevant for forensic social work practice as:

Excellent	Good	Average	Poor	Very Poor
-----------	------	---------	------	-----------

1.5.1. Please explain why?

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.....

.....

.....

**SECTION D: KNOWLEDGE RELEVANT FOR FORENSIC SOCIAL WORK PRACTICE:**

1. In your opinion do social workers need to be familiar with knowledge to be able to competently practice forensic social work in South Africa? Please Tick

YES		NO	
-----	--	----	--

1.1. If yes, please explain?

.....

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.....

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1.2.If No, please explain?

.....

.....

.....

.....

2. In your opinion do you regard your knowledge on the definition of forensic social work in South Africa as:

Excellent	Good	Average	Poor	Very Poor
-----------	------	---------	------	-----------

2.1.Please explain why?

.....

.....

.....

.....

3. Do you regard your knowledge on legal aspects required for forensic social work practice in South Africa as:

Excellent	Good	Average	Poor	Very Poor
-----------	------	---------	------	-----------

3.1.Please explain why?

.....

.....

.....

4. Do you regard your knowledge on the criminal justice system required to practice forensic social work in South Africa as:

Excellent	Good	Average	Poor	Very Poor
-----------	------	---------	------	-----------

4.1. Please explain why?

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5. Do you regard your knowledge on courtroom procedures required to practice forensic social work in South Africa as:

Excellent	Good	Average	Poor	Very Poor
-----------	------	---------	------	-----------

5.1. Please explain why?

.....

.....

.....

6. Do you regard your knowledge when acting as an expert witness for forensic social work in a court of law South Africa as:

Excellent	Good	Average	Poor	Very Poor
-----------	------	---------	------	-----------

6.1. Please explain why?

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.....

.....

**SECTION E: SPECIALIZED SKILLS RELEVANT FOR FORENSIC SOCIAL WORK PRACTICE:**

1. In your opinion do social workers require specialized skills to be able to competently practice forensic social work in South Africa? Please tick

YES		NO	
-----	--	----	--

1.1. If yes, please explain?

.....

.....

.....

1.2.If no, please explain?

.....

.....

.....

2. Do you regard your skill of the language used in court as:

Excellent	Good	Average	Poor	Very Poor
-----------	------	---------	------	-----------

2.1.Please explain why?

.....

.....

.....

3. Do you regard your writing skills in forensic social work practice as:

Excellent	Good	Average	Poor	Very Poor
-----------	------	---------	------	-----------

3.1.Please explain why?

.....

.....

.....

4. Do you regard your communication and engagement skills when dealing with victims, offenders and other professionals as:

Excellent	Good	Average	Poor	Very Poor
-----------	------	---------	------	-----------

4.1. Please explain why?



.....  
.....  
.....

5. Do you regard your conduct of professionalism in forensic social work practice as:

Excellent	Good	Average	Poor	Very Poor
-----------	------	---------	------	-----------

5.1. Please explain why?

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.....  
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#### **SECTION F: CHALLENGES EXPERIENCED BY FORENSIC SOCIAL WORKERS:**

1. In your opinion what are some of the challenges experienced when practising forensic social work in South Africa?

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#### **SECTION G: RECOMMENDATIONS FOR FORENSIC SOCIAL WORK PRACTICE IN SOUTH AFRICA:**

1. In your opinion what recommendations would you like to propose for advancing the field of forensic social work in South Africa

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.....  
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2. In your opinion what is your understanding of the current status of forensic social work practice in South Africa?

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.....  
.....  
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**SECTION H: GENERAL CONCLUDING REMARKS:**

1. Is there anything else you would like to add to this interview with regard to forensic social work practice in South Africa which we have not covered in the interview?

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.....  
.....

Thank you so much for your participation and your time. It is much appreciated.

Yours Truly

Martin Simbarashe Mangezi (Student)